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**ORDINARY MEETING
OF COUNCIL**

**MINUTES
OPEN MEETING**

21 February 2022

TABLE OF CONTENTS

1.0	RECORD OF ATTENDANCE	5
1.1	ATTENDANCE.....	5
1.2	APOLOGIES	5
1.3	LEAVE OF ABSENCE PREVIOUSLY APPROVED	5
2.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	6
2.1	CONFIRMATION OF MINUTES OF PREVIOUS ORDINARY COUNCIL MEETING.....	6
3.0	DECLARATIONS OF INTEREST	7
4.0	COUNCILLORS ANNOUNCEMENTS AND REPORT	8
4.1	ANNOUNCEMENTS BY MAYOR.....	8
4.2	MAYOR'S COMMUNICATIONS.....	8
4.3	REPORTS BY DELEGATES.....	9
4.4	NOTIFICATION OF COUNCIL WORKSHOPS.....	9
5.0	PUBLIC QUESTIONS AND STATEMENTS.....	10
5.1	RESPONSE(S) TO PUBLIC QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING	10
5.1.1	K. EWINGTON - DISABLED PARKING.....	10
5.2	PUBLIC QUESTIONS RECEIVED IN WRITING	10
5.2.1	C HUTCHISON - OLDINA RESERVE	10
5.2.2	MR J POWELL - WARATAH BLOCK SLASHING	11
5.3	PUBLIC QUESTIONS WITHOUT NOTICE	12
5.4	PUBLIC STATEMENTS RECEIVED IN WRITING.....	14
5.4.1	C HUTCHISON - OLDINA RESERVE	14
5.5	PUBLIC STATEMENTS WITHOUT NOTICE	15
6.0	PLANNING AUTHORITY ITEMS	18
6.1	PUBLIC QUESTIONS WITHOUT NOTICE – RELATING TO PLANNING MATTERS.....	18
6.2	PUBLIC STATEMENTS - RELATING TO PLANNING MATTERS	18
6.3	APPLICATION FOR PLANNING SCHEME AMENDMENT PSA 1/2021 FOR 15275 BASS HIGHWAY, SOMERSET	19
7.0	MATTERS RAISED BY COUNCILLORS.....	31
7.1	RESPONSE(S) TO COUNCILLOR QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING.....	31
7.1.1	CR BRAMICH - COMMUNITY NOTICE BOARDS.....	31

7.2	COUNCILLOR QUESTIONS RECEIVED IN WRITING	31
7.3	COUNCILLOR QUESTIONS WITHOUT NOTICE	31
8.0	NOTICE OF MOTION	32
8.1	CR BRAMICH - ELECTRONIC COMMUNITY NOTICE BOARDS.....	32
8.2	CR DUNIAM - SAFETY MEASURES AT SOMERSET TRAFFIC LIGHTS.....	34
8.3	CR FAIRBROTHER - CHANGES TO PLANNING AND BUILDING RULES.....	36
8.4	CR DUNIAM - DEVELOPMENT OF LOCAL HERITAGE REGISTER	39
9.0	REPORTS OF OFFICERS AND COMMITTEES.....	42
9.1	PUBLIC LAND DISPOSAL CONSULTATION OUTCOME - WARATAH.....	42
9.2	TREE MANAGEMENT POLICY	48
9.3	FINANCIAL REPORT FOR THE PERIOD ENDED 31 JANUARY 2022.....	51
9.4	SENIOR MANAGEMENT REPORT.....	53
10.0	MATTERS PROPOSED FOR CONSIDERATION IN CLOSED MEETING	56
11.0	CLOSURE OF MEETING TO THE PUBLIC.....	57
12.0	RESUMPTION OF OPEN MEETING	58
13.0	PUBLIC RELEASE ANNOUNCEMENT.....	58

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 21 FEBRUARY 2022, COMMENCING AT 6:00PM

	From	To	Time Occupied
Open Council	6.02PM	6.26PM	24MINS
Planning Authority	6.26PM	6.27PM	1MIN
Open Council	6.27PM	7.33PM	66MINS
Closed Council	7.33PM	7.50PM	17MINS
Open Council	7.50PM	7.50PM	0MINS
TOTAL TIME OCCUPIED			108MINS

DIGITAL RECORDING OF COUNCIL MEETINGS POLICY

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

ACKNOWLEDGEMENT OF COUNTRY

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

1.0 RECORD OF ATTENDANCE

1.1 ATTENDANCE

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

IN ATTENDANCE

Shane Crawford - General Manager
Daniel Summers - Director Infrastructure and Development Services
Tracey Bradley - Director Community and Engagement
Samantha Searle - Director Organisational Performance
Ashley Thornton - Manager Development and Regulatory Services
Sally Blanc - Executive Officer

1.2 APOLOGIES

Nil received.

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 EDWARDS

That the Minutes of the Ordinary Meeting of the Waratah-Wynyard Council held at Council Chambers, 21 Saunders Street, Wynyard on Monday 24 January 2022, 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 unanimously.

IN FAVOUR

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

Nil received.

4.2 MAYOR'S COMMUNICATIONS

18/1/22	Media – ANZAC Park Construction commences
18/1/22	Meeting with Acting General Manager
18/1/22	Alchymia Distillery opening
24/1/22	Council Meeting
25/1/22	Meeting with Acting General Manager
25/1/22	OAM Investiture
26/1/22	Australia Day citizenship and Awards Ceremony
31/1/22	Community Conversation Waratah
1/2/22	Meeting with General Manager
2/2/22	TasWater Owners Representative Meeting
4/2/22	Media – Somerset Little Book Library
4/2/22	DEPUTY MAYOR – Hellyer Evening of Excellence Awards Presentation
4/2/22	Meeting with General Manager
7/2/22	Councillors Workshop
8/2/22	Meeting with General Manager
11/2/22	Meeting with Constituents
14/2/22	Meeting with Constituents
14/2/22	Councillor Workshop

MOVED BY	CR BRAMICH
SECONDED BY	CR HYLAND

That Council note the Mayors Communications

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

4.3 REPORTS BY DELEGATES

Nil received.

4.4 NOTIFICATION OF COUNCIL WORKSHOPS

Councillor Attendance Records

Meetings attended during 2021/22 (up to 14/2/22)

	Ordinary Meetings 2021/22 (7)	Special Meetings / AGM 2021/22 (1)	Workshops 2021/22 (16)	Community Conversations 2021/22 (4)	Weeks Leave Approved
Mayor Robert Walsh	6	1	15	4	3
Deputy Mayor Mary Duniam	7	1	15	2	
Cr Maureen Bradley	7	1	14	2	
Cr Gary Bramich	7	1	17	4	
Cr Andrea Courtney	7	1	13	1	
Cr Celisa Edwards	7	1	16	4	
Cr Darren Fairbrother	6	1	14	2	
Cr Kevin Hyland	7	1	17	4	

MOVED BY	CR COURTNEY
SECONDED BY	CR EDWARDS

That the Council note the following Workshops

31/1/22	Waratah Community Conversation
7/2/22	Camp Creek Planning and Building Rules Local Government Assoc. of Tasmania – Motions for meeting 18 March 2022 Cradle Coast Authority Presentation
14/2/22 On-Line	Energy Saver Grants Survive and Thrive Grant Outcomes

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

5.0 PUBLIC QUESTIONS AND STATEMENTS**5.1 RESPONSE(S) TO PUBLIC QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING****5.1.1 K. EWINGTON - DISABLED PARKING****QUESTION**

Mr Ewington of Flowerdale thanked Council for the new parking and footpaths along the East Wynyard foreshore which is good for people with carers. He noted that there were 24 new parking spaces and that none of those spaces were designated as disabled parking spaces and asked when Council would recognise their role in providing disability parking in allocated car parks.

The Director of Infrastructure and Development Services took the question on notice; he noted that his understanding is that the marking of spaces is still be completed along with other final tasks such as park benches

OFFICERS RESPONSE

Council will seek to include the installation of a dedicated disability parking space in the parking area adjacent to Port Creek at East Wynyard as a variation to the current reseal and line marking contract, with an expectation that these works will be completed in the current financial year.

5.2 PUBLIC QUESTIONS RECEIVED IN WRITING**5.2.1 C HUTCHISON - OLDINA RESERVE****QUESTION**

Mr Hutchison of Preolenna asked the following question regarding Oldina Reserve (in parts)

- a) On what date will the Council host a public meeting for the community to discuss the future of the Oldina Reserve? & Why hasn't this Community meeting taken place?
- b) Why has the General Manager assured me that Council will know by early January what the position of the 3rd Party is, yet not communicated this to me, or to the community?
- c) Is Council making decisions about who should be included in the future community-council collaboration to manage the Oldina Reserve?
- d) Which sectors of the community were consulted about the involvement of a 3rd Party managing part of the Oldina Reserve as part of a yet to be released concept plan that Councillors have seen, but the community is yet to see?
- e) Has there been a tender process for a potential caretaker role in the situation whereby the Council MoU/Lease with STT is successfully established?
- f) Will the Mayor please bring these discussions either to a Council Meeting, or a Community meeting, and if not, why not?
- g) Is the 3rd Party that Council is offering involvement in the management of part of the Oldina Reserve looking to establish a private commercial operation in the reserve? If so, has the community been consulted?

-
- h) The General Manager has stated that in the situation where Council becomes responsible for the Oldina management, there could be a scenario that part of the reserve will be used for public use and part will be used for 'X'. Can the General Manager please advise what this 'X' will be, whether it will be exclusive – i.e. limiting who comes in & out by way of ticketing/fee, where in the reserve this space will be, & why Council is considering this mixed use of the Oldina Reserve without informing the community of these intentions?

OFFICERS RESPONSE

Mr Hutchison once again needs to be reminded that the Oldina Reserve is not owned by Council and it remains in the ownership and management of Sustainable Timbers Tasmania. Sustainable Timbers have the ability to make their own choices as to the future use of the site.

Mr Hutchison is well aware that Council have been working with Sustainable Timbers Tasmania to progress a concept plan for public consultation. Until such time that all parties are satisfied with the concept, it cannot be released. At the time of agenda compilation, such approvals have not been received. The timing of these approvals is outside of the control of the General Manager.

The concept plans being developed are simply a concept. Clearly, broad community consultation is yet to take place, but again, this is not a Council owned or managed site, so may have limited influence on the direction of future use of the site. This will ultimately be a decision for the landowner.

Mr Hutchison is also aware that from Council's position facilitation of a public meeting is not considered beneficial until the concept is released.

5.2.2 MR J POWELL - WARATAH BLOCK SLASHING

QUESTION

Mr Powell asked why a Council Maintenance Officer entered the locked drive of 2 William Street, from Quiggan Street to the south, replace the lock with a brand new one, and then mow about 800 square metres towards the southwestern section of the property and yet not touch the remainder of the property.

OFFICERS RESPONSE

Officers advise that the lock was cut by a Council contractor, with permission from the property owner, to gain access to the property in question to carry out fire abatement.

Council only abated the highlighted red area (below), as the remainder of the property is owned by the person who provided permission and access. This person asked Council to assist and remove the old lock and a new lock was supplied by the owner. The owner advised that they are going to fire abate their parcel of land at a later date, with prior arrangement made with a contractor.

5.3 PUBLIC QUESTIONS WITHOUT NOTICE

5.3.1 MR K EWINGTON - TACTILE PAVERS

Mr Ewington of Flowerdale asked why Council is preventing people that are vision impaired from walking to town because they have not installed tactile pavers for the blind.

The General Manager noted that the Council are not preventing anyone from walking to town.

5.3.2 MR K EWINGTON – SLASHING OF FOXGLOVE

Mr Ewington of Flowerdale asked why Council was allowing Foxglove Weed to be slashed during peak season causing the spread of this invasive weed.

The General Manager took the question on notice.

5.3.3 Error! Bookmark not defined. DR P SCHULTZ - CAMP CREEK

Dr Schultz of Wynyard asked what Council's reason for dredging is. If it is to improve the amenity of Camp Creek, how is one dredging contract going to solve the problem when the silt will rebuild year after year, given the current upstream erosion and siltation issues

The question was taken on notice so a detailed response could be provided.

5.3.4 DR P SCHULTZ - CAMP CREEK

Dr Schultz of Wynyard asked that instead of Council spending \$473,791 (\$318,313, contingency \$155,478) on dredging, repeated periodically, wouldn't it be better for the amenity and environment to go for the much cheaper option of a carefully planned restoration planting program undertaken by experienced and expert community groups and individuals, in line with Council's iCEP plan.

The question was taken on notice so a detailed response could be provided.

5.3.5 DR R PIERCE - CAMP CREEK

Dr Pierce of Wynyard asked; will asked if Council would agree not to dredge but take the alternative and cheaper approach of sensitive riparian restoration with our help, i.e., designed by skilled local restoration ecologists

The question was taken on notice so a detailed response could be provided.

5.3.6 DR R PIERCE - CAMP CREEK

Dr Pierce of Wynyard asked; will Council agree as a matter of urgency to rectify the current subdivision damage beside Camp Creek near the airport to ensure the current environmental impacts on the riparian zone there will be ceased forthwith and rehabilitated.

The question was taken on notice so a detailed response could be provided.

5.4 PUBLIC STATEMENTS RECEIVED IN WRITING

5.4.1 C HUTCHISON - OLDINA RESERVE

STATEMENT

Mr Hutchison of Preolenna made the following statement:

OLDINA RESERVE COMMUNICATIONS

Email Sent December 10th 2021

from: Codie Hutchison
to: Shane Crawford
cc: WaratahWynyard
Sally Blanc
date: Dec 10, 2021, 12:26 AM
subject: Oldina Reserve Community Meeting Date

Dear Shane,
This email is in regards to Council's commitment to organising and promoting a community meeting regarding a future plan for the Oldina Reserve.

*SMR, Page 107 of the December 2021 Council meeting agenda -

"Motion Carried - That Council plan, promote, and host a public community meeting (prior to December 17th 2021) regarding a collaborative community-council partnership to develop a multi-staged action plan for the Oldina Forest Reserve & Picnic Area with the full support of Sustainable Timber Tasmania, providing a concept plan has not been released by Sustainable Timber Tasmania by that date. --- *The initial plan being created with external parties requires further refinement and as such the proposed meeting will be deferred until the new year*"

Q1: In the time since the November Council meeting, dated 15/11/21, have you made contact with STT?

Q2: In any such conversations with STT since November 15th, have you made any enquiries about STT's support regarding a Council run community meeting?

Q3: A concept plan has not been released by you or STT in advance of December 17th, and given that this date is rapidly approaching with what appears to be the absence of a concept plan, can you please provide evidence of progress to plan and promote a public meeting, including a date, time & venue made public, prior to 5pm, Friday December 17th.

If you cannot provide this information to the public by that date, I request that you communicate this with Councillors prior to Monday night's December Council meeting.

Whilst the motion states that Council is to host the public meeting in that time-frame also, I think it is fair and reasonable that Councillors discuss & agree at the Council meeting when this community meeting should be booked in for a date no later than January 31, 2022.

The motion as accepted does not contain any provisions to defer the meeting due to external parties needing more time to refine an 'initial plan'. The motion indicates that a public meeting must be planned, promoted and hosted - by Council - should there be no concept plan released by STT (no plan has been released by STT).

At this stage, the community does not care what the Council or STT have planned. The community wants Council & STT to plan with the community's input, collaboration, and support before an initial plan is released.

The motion for Council to run a community meeting regarding a future plan for the Oldina Reserve was passed unanimously by Councillors on November 15th, and passed by electors at the Annual General meeting on November 2nd. Can you please CC Councillors in your reply, to advise them of Council's progress.

I look forward to your prompt reply.

Regards,
Codie Hutchison

Phone Call Received December 13th 2021

Response by Phone from the General Manager

Council is active in planning for the Oldina Reserve, including

Part 1 – Costs by Council (Tree work, Roads, Power, Toilets, Water, etc.)

Part 2 – Working with a 3rd party around management of the space, they are yet to commit.

Notes:

For security reasons, Council wishes to work with a group or individual to take on the role of looking after a site. Until the group that Council is working with is ready, Council does not want to publicly put their name to the project.

"It will be very close in the new year." ... "We are really close." ...

"I'd imagine by early Jan, we'll definitely know where they're at (external party)" ... "I will reply in the email. I will send that through."

"(Councillors) know exactly where this is all at. They've been briefed with the draft concepts."

Until 13-2-2022, no concept plan has been released, no email has been sent from the GM to advise of the status of the Community meeting or any further opportunities for community engagement regarding the plans for the reserve.

December Council Meeting December 13th 2021

Source: Meeting Minutes – Public Statements without Notice

5.5.2 MR C HUTCHISON - OLDINA RESERVE (Statement summary)

• Toilets could be built at both Oldina Reserve and the Table Cape Lookout if standard/generic facilities were built instead of that proposed in this agenda.

• 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.

Email 4th Jan 2022 from Cr. Edwards, I replied to this general email on the 12th of January requesting to know if Council wants to do anything with the Oldina Reserve, and some suggestions moving forward.

No response.

5.5 PUBLIC STATEMENTS WITHOUT NOTICE

5.5.1 K EWINGTON - DISABILITY MATTERS

Mr Ken Ewington of Flowerdale made the following statement:

Firstly, I would like to take the time to thank the members of the community and the individuals within the council who have provided their support over the years and assisted with changes that benefit the disabled and elderly residents in the community.

I have been in a wheelchair for over 16 years so I understand firsthand how simple tasks for most people can be difficult or impossible once you are no longer physically able. Things such as opening doors, navigating steps that are too high or low, a lack of access ramps, parking spaces that are on a slope, ramps installed at the incorrect angles, and insufficient disability facilities are just some of the challenges that the elderly and disabled struggle with when they venture out. These are everyday challenges that the average person wouldn't consider in their daily life, but for someone with a disability, this is the difference between being able to access a premises or not. This can put people off from going out at all due to the difficulties faced, which can cause social isolation, loneliness and mental health issues. Able-bodied people, with the exception of carers or those with loved ones in these circumstances, often don't consider these daily struggles. I acknowledge this is not due to intentional disregard but often simply a lack of direct experience which brings awareness to the challenges that these people face. I know I have learned so much in the last 16 years, and there are so many things that I just wouldn't have considered until I was in this position, experiencing it for myself.

Throughout the years I have made an effort to assist or represent people, young and old, to put forward requests to Council to make changes that would increase the safety, accessibility and inclusion of all members of our community. This includes installation of tactile pavers for the visually impaired, disability parking bays at required venues, ramp access for people using wheelchairs and other mobility aids, providing an ease of entry into a range of premises, and more. Unfortunately, while certain staff members have been accommodating, the overall culture in Waratah-Wynyard Council in general has been unsupportive, and they are often not willing to make changes until they are heavily pressured or even threatened with legal action. It shouldn't be this way.

There have been comments by some council members such as, "We didn't have to worry about these things 30 years ago", and that may be true, but times have changed, and it is being recognised that everyone has a right to be a part of our community and feel accepted and included. Other councils have recognised their weaknesses and are making positive changes, and I would like to see Waratah-Wynyard Council follow in the same way.

In November last year, I attended the monthly council meeting and made a public statement regarding establishing an inclusive Disability Access Plan for the municipality. Many other councils in Tasmania have working groups or committees actively working towards ensuring their communities are accessible and inclusive for everyone, and I would like to see the same happening in Wynyard. The Australian Government has also introduced a new National Disability Strategy which sets out a plan for continuing to improve the lives of people with a disability, so a local strategy based on the national framework would work well.

So far, it has been 3 months and I have not received a response from the Council so I am here today to again make this request, as I believe it is important for the blind, elderly, disabled and disadvantaged people in our community to feel accepted and included and have access to the services and venues that able-bodied people and people without disabilities do. Again, I would like

to propose that a working group is established with a range of people from different backgrounds to represent those in our community who feel like they do not have a voice or aren't comfortable raising their concerns out of fear of being a nuisance.

Everyone deserves the opportunity to take part in community life, and I hope that the Council is open to taking steps towards making Wynyard and surrounding areas a more inclusive community.

5.5.2 Error! Bookmark not defined. DR P SCHULTZ - CAMP CREEK

Dr Pam Schultz of Wynyard made the following statement:

I am Dr Pam Schultz and I have a PhD on sea- and tree-change landscapes and environmental thresholds. Although I am new to Wynyard, I have connected well with the community and during seven months I have been informed by the concerned citizens of Wynyard of the dredging of Camp Creek. It is obvious to me what needs to be done given my experience in natural resource management, erosion control and habitat management. I distributed a discussion paper to councilors and concerned citizens. Consequently, there is no longer just I. Now it is, WE, as excursions to the creek and discussions have progressed between experienced and professional community members.

There is considerable community support to NOT DREDGE the creek. Supporters have already pledged voluntary hours and funds to rehabilitate the site with native riparian vegetation in line with Council's own ICEP document. Incidentally the ICEP won a Local Government Professionals award, but I am struggling to see tangible outcomes of this 2020 document.

As experts in this field we have drafted a preliminary landscape plan that **does have outcomes** and will help mitigate runoff and at the same time improve and enhance the habitat and make it a much more aesthetically pleasing view for passersby. It is worth remembering that projects like these attract **environmental awards for habitat restoration** which would be a better outcome for council than having to re-dredge, noting that unregulated upstream works currently occurring will contribute to ongoing siltation downstream. This site is still a "biodiversity hotspot" because it is on the ecotone of fresh and salty water, has an upstream functional riparian zone, and therefore attracts more species and worthy of environmental restoration.

Furthermore, this project will be educational and it has already attracted attention from Burnie TAFE whose sustainability teacher wants to get students involved. This area is ideal to showcase and educate the community, and down the track install interpretation signs, a bird hide and a linking bridge for walkers. In fact, A landscape plan is being designed by a local restoration business.

I have found this community to be very connected and word gets around. With little effort from me, we have gained considerable community support without social media. I have a list of supporters you might want to see later but now, time does not permit.

Community Groups and leaders in the community, for example:

- Wynyard Community Gardens, Pam Rodwell
- Wynyard Landcare, -Brenton Hosking
- NW Environmental Centre – Michael Harries, Carol Donaghey
- Project leaders on similar projects, Dr Colin McIntosh

-
- Ecologists -Dr Pam Schultz
 - Birdlife Tasmania – Dr Eric Woehler
 - Ornithologist, Dr Ray Pierce, Dr Richard Donaghey, Richard Ashby
 - Local and published botanists – Jim McCloud & Rees Campbell
 - Businesses such as landscape planners – New Gen
 - Accommodation operators – Waterfront Motel
 - Citizen Scientists – Col Meyers, Peter Laurence
 - Award winning business – Andrew Nichols

I am appealing to Council's better judgment because the times are changing, people's attitudes are changing towards a more balance approach to development and towards environmental preservation and restoration. Our Council needs to lead and support these initiatives and not to be left behind on these important issues

5.5.3 DR R PIERCE - CAMP CREEK

Dr Ray Pierce of Wynyard made the following statement:

My name is Dr Ray Pierce, ornithologist and restoration biologist in support of Dr Pam Schultz's restoration initiative for Camp Creek. During recent surveys of Camp Creek, I have found that it supports a range of threatened and sensitive wetland species like Platypus and migratory species like Latham's Snipe, and many others. These species require secluded wetland habitats, well-vegetated riparian margins with mature trees, and areas of clean water, and they and their habitat are protected under various international and national agreements.

It came as a total shock to me to learn of the damaging dredging that Council had undertaken at Camp Creek in 2019 and Council plans to repeat that this year which will again see the compaction and destruction of regenerating riparian plants together with the likely loss of the instream islands which provide safe roosts for waterbirds. The dredging exercise is futile given ongoing siltation issues along this creek, and dredging is a very expensive exercise.

On top of this there are chronic and unregulated subdivision activities currently being undertaken further upstream at the end of the old runway. Many basic environmental rules, including those of iCEP, are being broken there. Examples are the bulldozing of tonnes of soil and rubbish into the riparian flood plain of the creek and the direct piping of unfiltered storm water into the creek, and all of that right beside the main Platypus pool, just metres away. These activities will collectively result in the increased degradation of Camp Creek via siltation and pollution, impacting freshwater and intertidal zones alike.

This could become very embarrassing for us given the international agreements we are signatories to such as the Bonn Convention on Migratory Species. Clearly, we don't want Council to put itself in an awkward position, and we are here to help by offering expert advice and providing an alternative and cheaper option which would be environmentally sustainable for Camp Creek. We would utilize the collective brain-power of Wynyard's many environmental specialists, something which Dr Schultz has begun. With this approach we can see how an important biodiversity hotspot like Camp Creek could be used instead as an environmental education site for the community at the Gateway to Wynyard.

6.0 PLANNING AUTHORITY ITEMS

PLANNING AUTHORITY OPENED AT 6.26PM

6.1 PUBLIC QUESTIONS WITHOUT NOTICE – RELATING TO PLANNING MATTERS

Nil received.

6.2 PUBLIC STATEMENTS - RELATING TO PLANNING MATTERS

Nil received.

6.3 APPLICATION FOR PLANNING SCHEME AMENDMENT PSA 1/2021 FOR 15275 BASS HIGHWAY, SOMERSET

To: Council
Reporting Officer: Graduate Town Planner
Responsible Officer: Manager Development and Regulatory Services
Report Date: 27 January 2022
File Reference: 2894052
Supporting Documents: 1. Consolidated Application Documents x 78 Pages 
2. Extension of Time Request x 2 Pages 
3. Extension of Time Response x 1 Page 

PURPOSE

The purpose of this report is to provide an assessment of an application for planning scheme amendment No. PSA 1/2021, which is seeking to rezone land at 15275 Bass Highway, Somerset (CT 153130/4) from General Industrial under the *Waratah-Wynyard Interim Planning Scheme 2013* to Particular Purpose Zone 1.

BACKGROUND

On 21 December 2021 Waratah-Wynyard Council received an application from Equilibrium Town Planning on behalf of the landowner for a planning scheme amendment to rezone land from General Industrial to Particular Purpose Zone 1 under s33 of the *Land Use Planning and Approvals Act 1993* (LUPAA).

The site is currently developed and contains The Seabrook Hotel. The existing use on the site falls within the Hotel Industry use category under the *Waratah-Wynyard Interim Planning Scheme 2013* (IPS) and comprises a bottle shop, gaming lounge, restaurant, bar with gambling facilities and visitor accommodation. Access is via the Bass Highway and two Crown administered reserved roads (CT 229472/1 and 247010/1).

The title to the west at 15285 Bass Highway is currently zoned Particular Purpose Zone 1. Essentially this application is seeking to have that zone expanded to cover the subject site. Although historically used as a convent, no existing use rights are attached to any of the buildings on the site.

Adjacent land to the east and south-east is zoned General Industrial and is used for metal fabrication. General Industrial zoned land to the south is used for grazing purposes. Land to the north is zoned Utilities and contains the Bass Highway, associated road corridor and disused rail line.

DETAILS

The site is identified in Figure 1, along with the current zoning of the property and the immediate surrounds.

The site is currently zoned General Industrial under the IPS. The translation principle associated with preparation of the IPS required that the former Industrial zone under the previous *Waratah-Wynyard Planning Scheme 2000* be retained. Prior to the introduction of the 2000 scheme, the land was zoned Business - Commercial.

The proposal is to rezone the site from General Industrial to Particular Purpose Zone 1. No further development of the site is included in the proposal. A narrow strip of vacant General Industrial zoned land with a variable width of 6m – 10.83m separates the subject site from Particular Purpose Zone 1 to the west.

Although not included as part of the application it is recommended that Council exercise its powers under s34(1)(b) LUPAA to include land contained in CT 15471/1 in the initiated amendment of the IPS. The zoning of this property has little to no bearing on its development potential given this site's narrow width, the swale drain forming part of Council's stormwater system running the length of the property and the limited access proclamation registered on the title under s52A of the *Roads and Jetties Act 1935*. Including this portion of land creates an unbroken zone and is preferable to creating unnecessary buffer requirements due to zone differences.

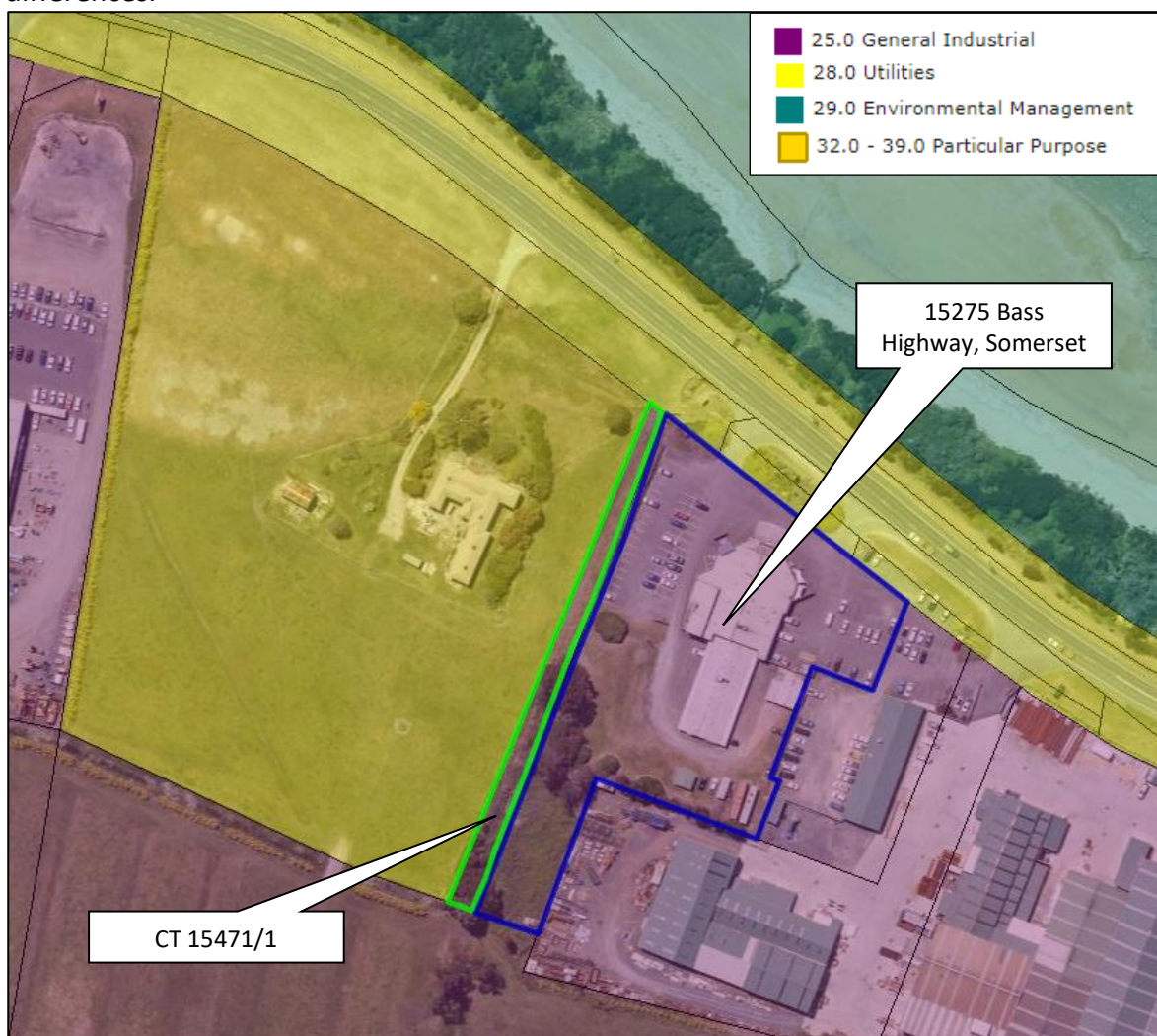


Figure 1: Current zoning of 15275 Bass Highway, CT 15471 & surrounds

The process by which Council must assess a planning scheme amendment is detailed under s32 (Requirements for preparation of amendments) and s33 (Request for amendment of

planning scheme) of LUPAA. This process is described in more detail under the Legislative Requirements section.

PLANNING ASSESSMENT

Legislative Requirements

An application for a planning scheme amendment is available under Part 3 Division 2 of LUPAA. The version of LUPAA current from 5 November 2021 to date references amendments to State Planning Provisions (SPPs) under this division. The SPPs are not yet in force in the Waratah-Wynyard municipality and will not come into force until the Local Planning Scheme (LPS) comes into effect.

Under Schedule 6 Part 3 s(2) of LUPAA the *Waratah-Wynyard Interim Planning Scheme 2013* remains in place until this time and applications for amendments to this scheme are considered under the former provisions of LUPAA, being the version dated from 1 April 2015 to 16 December 2015. References to LUPAA throughout this document refer to this version.

Division 2 of LUPAA allows for an application to be made to revoke, in whole or in part, the planning scheme and to alter the area covered by the planning scheme (e.g. a rezoning). The process entails:

1. The compliance with s20 (1) (what can a planning scheme provide for?) of LUPAA, with the section requiring the following:
 - i. Further the objectives of schedule 1;
 - ii. Be in accordance with the State Policies;
 - iii. Have regard to Council's Strategic Plan; and
 - iv. Have regard to the requirements of the *Gas Pipelines Act 2000*.
2. The proposal is required to comply with s32 (Requirements for preparation of amendments) of LUPAA, with this section referring to sections:
 - i. 30O (Amendments under Divisions 2 and 2A of interim planning schemes);
 - ii. 30EA (Overriding local provisions and conflicting local provisions); and
 - iii. 20(2)-(9) (What can a planning scheme provide for?).
3. The proposal is required to comply with s33 (Request for amendment of planning scheme) of LUPAA, with this section referring to sections:
 - i. 30I (Representations in relation to interim planning schemes); and
 - ii. 30J (Report to be provided to Commission).
4. Should the planning authority decide to support the proposal, the amendment is to be initiated under s34 (Amendment of planning scheme) and certified under s35 (Certification of draft amendments by planning authorities) of LUPAA.

An assessment of the proposal against the relevant provisions of LUPAA as outlined above is provided in the table below. Reference is made to each subclause, with comments provided underneath.

Section 20(1) LUPAA	
A relevant decision-maker, in preparing, accepting, declaring or making a relevant scheme, or giving approval in relation to the making or approving of a relevant scheme, must, in the opinion of the relevant decision-maker-	
S20(1)(a)	<i>seek to further the objectives set out in Schedule 1 within the area covered by the scheme; and</i>
The proposal is considered to be consistent with the objectives of the Resource Management and Planning System of Tasmania and the objectives of the Planning process.	
S20(1)(b)	<i>prepare the scheme in accordance with State Policies made under section 11 of the State Policies and Projects Act 1993; and</i>
It is considered that the proposal does not conflict with either the Tasmanian State Coastal Policy, State Policy on Water Quality Management 1997 or State Policy on Protection of Agricultural Land 2009.	
The existing Hotel Industry use on the site will continue under the proposed rezoning, no changes of the existing management of the land are proposed. There will be no change to the existing impact on the coastline and it is considered that the Bass Highway corridor provides a sufficient buffer from the coastal area north of the site. The site does not contain any natural water sources and is not within the boundaries of any code under the IPS or TPS relating to protection of waterways or natural assets.	
The proposal is on an existing site which has already been converted from its natural state and has minimal value, if any, for primary industry use. Further, resource development use is prohibited in both the General Industrial zone and particular Purpose Zone 1 under the IPS as well as the likely future General Industrial zoning of the property under the TPS. The site is not suitable for agricultural activities or inclusion with other land for existing or future agricultural use.	
S20(1)(d)	<i>have regard to the strategic plan of a council referred to in Division 2 of Part 7 of the Local Government Act 1993 as adopted by the council at the time the planning scheme is prepared; and</i>
The proposed rezoning of the site is broadly consistent with the Waratah-Wynyard Council 10 Year Corporate Strategic Plan 2017/27, in particular Goal 5 (Economic Prosperity). The proposal compliments Outcomes 5.1, 5.3 and 5.4 by securing an established business, providing employment opportunities for the local area (Strategies 5.1.2 & 5.1.3) and providing the opportunity for sustainable growth of the site into the future (Strategies 5.3.1, 5.3.3 & 5.4.2).	
S20(1)(e)	<i>have regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000.</i>
The site is not within the vicinity of the Gas Pipeline Corridor.	
Section 32(1)(e) LUPAA	
A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A) –	
(e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area	
The subject site is currently zoned General Industrial under the IPS and is adjoined by General Industrial zoned land to the south and east. A narrow strip of vacant land, also zoned General Industrial, separates the subject site from Particular Purpose Zone 1 (PPZ1) to the west. Land to the north of the Bass Highway and the rail line (zoned Utilities) is zoned Environmental Management.	

The site has already been developed with the existing use categorised as Hotel Industry under the IPS, a prohibited use in the General Industrial zone. The majority of the site is occupied by the Seabrook Hotel and associated parking areas. Future use of the site for industrial purposes is unlikely given that the hotel is a well-established use and has operated on the site for a number of decades. Intensification of the current use on the site is not possible due to the restrictions placed on existing non-conforming uses and there is no record of land use conflict between the site and adjacent General Industrial land.

The amendment would make seven uses permissible under PPZ1 which are either not permissible or have different qualifications for use under the current zoning or likely future General Industrial zoning under the TPS. Two of these uses, Hotel Industry and Visitor Accommodation (as part of the hotel), are already present on the site. It is considered that replacement of the historically successful use on the site with any of the five remaining different permissible uses (Bulky Goods Sales, Business and Professional Services, Community Meeting and Entertainment, General Retail and Hire, Tourist Operation) is unlikely and there is limited capacity for the site to incorporate any of these uses into the existing hotel industry in a complementary manner due the extent of the area already developed.

Although the proposal opens up the possibly of additional development on the site it is considered that the provisions of the proposed zone, including setback requirements from the boundary to the General Industrial zone, as well as parking requirements under the IPS and constraints associated with access onto the Bass Highway, effectively limit the extent to which the use on the site can expand and provide sufficient opportunity to mitigate likely future risk of land use conflict.

Section 32(1)(ea) LUPAA

A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A) –

(ea) must not conflict with the requirements of [section 300](#)

S300(1)	An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker within the meaning of section 20(2A), practicable, consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the scheme applies.
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Living on the Coast – The Cradle Coast Regional Land Use Strategy 2010 - 2030 (CCRLUS) is the relevant strategy for land in the Waratah-Wynyard municipality. Its purpose is to provide a consistent policy foundation for the regulatory intentions and requirements contained in local planning schemes prepared for each municipal area, rather than serving as a regulatory instrument in its own right. The CCRLUS was established prior to the IPS. WWC was operating under the Waratah-Wynyard Planning Scheme 2000 when the CCRLUS was adopted.

Land use policies within the CCRLUS are separated into four broad categories; Wise Use of Resources, Support for Economic Activity, Places for People and Planned Provision for Infrastructure. As part of the supporting documentation for the requested amendment the applicant has provided detail on how the application demonstrates compliance with each category and the land use policies contained within.

A summary and brief response to the applicant’s address of the land use policies within each category is provided below:

Wise Use of Resources

The applicant notes that the proposal will provide opportunity for additional land uses, including expansion of the established use within the boundaries of an already developed site and without undue impact on adjacent industrial land. It is consistent with the Changing Climate policy in that

the site has already been converted from its natural state, is within settlement boundaries and has existing connections to public transport services. Although the proposal is removing a lot zoned for resource processing and manufacturing use, which is also in close proximity to a major transport route, the site has never been used for these purposes.

In terms of water management, the site does not contain any natural water sources and is not within the boundaries of any code under the IPS or TPS relating to protection of waterways or natural assets. Rezoning of the site has limited, if any, potential to impact water quality in the area. As the proposal does not involve any further development, there will be no change to the site's relationship with the coastal area to the north across Bass Highway. Should the site be developed in future, sufficient planning controls exist under the IPS/TPS for coastal management.

The applicant states that the proposal is consistent with Land Use policies in that the proposal seeks to maximise utilisation of land which has already been converted from natural values. As a finite resource, efficient use of land requires the ability to adapt in response to changing demand. The site provides an economic and social benefit to the region and has value for tourism and recreation use through the amenities offered on site.

Policies relating to Conservation and Cultural and Historic Heritage are largely irrelevant as the proposal relates to an established site which is not within the boundaries of any code under the IPS or TPS relating to protection of natural assets or heritage areas.

Support for Economic Activity

The proposal will not take away from land available for economic activity or employment as the Seabrook Hotel is already an established commercial property. Rezoning of the property will increase certainty for the existing use and provide security for the ongoing and potential future employment opportunities provided by the site. As noted by the applicant, the proposal widens the potential employment types on the land without compromising the existing business and does not convert employment land to non-employment use. In terms of the commercial value/potential of the land, the proposal supports visitor accommodation, business and tourism activity through the continued use of the site for Hotel Industry purposes and does not affect capacity of the land to be used for other purposes which are not already precluded by the developed nature of the site. The proposal is broadly consistent with Land Use Policies for Economic Activity and Jobs.

Places for People

The proposal is consistent with policies relating to Managing Growth and Development as well as Facilitating Access to Business and Community Services in that it will support an existing business within an established settlement area, in keeping with the assumption of a low growth scenario. The applicant reiterates that the land is fully serviced and has already been converted from natural land uses, the rezoning is contained within an existing settlement and does not exacerbate linear development. With the inclusion of CT 15471/1, the proposal creates an unbroken area of PPZ1 zoning which will maximise the potential for infill development with sufficient planning controls already in place to provide buffers between the site and incompatible industrial uses on adjacent land.

The nature of the existing use on the site and zoning of surrounding land mean that the proposal will not affect Rural or Housing Land. It is considered that the proposal will not change the level of risk posed to people or property by the site and that there are adequate provisions within the IPS to manage risks including bushfire, coastal inundation, coastal erosion, flooding and site contamination.

Planned Provision for Infrastructure

The proposed rezoning will not affect the current ability of the site to provide services in close proximity to public transport and will not impact on infrastructure demands as the established development on the site is already well serviced. Access to services and utilities will not change

under the new zoning and the proposal is consistent with policies relating to Integrated Land Use and Infrastructure Planning, Supply Water, Waste Management and Moving Freight and People. The applicant notes that the current occupier of the property is already aware of the implications of the sites proximity to, and access from, the Bass Highway and further states that the proposed new zoning provides mechanisms for managing conflict between the highway and established use on the site. Any future applications will be subject to standard planning provisions, including consultation with the Department of State Growth where necessary. The proposal is also consistent with Community Services policy and associated aims, including provision of facilities which appropriately meet the needs of the local and regional population.

Sustainable Murchison Community Plan 2040

The *Sustainable Murchison Community Plan 2040* provides a framework for actions through initiatives associated with business and industry, tourism, strong communities and social capital, access and infrastructure, natural resource management, health and wellbeing, education, place making and liveability, governance and working together. The plan will provide the basis for the next review of the CCRLUS.

The applicant has provided detail on how the application demonstrates compliance with the relevant policy statements from the Community Vision in 2040, Community Study and Regional Resource Analysis.

Community Vision in 2040

The proposal would help secure the future of this site and the well-established use located on it. Ongoing use of the site supports regional tourism operations, the townships of Somerset and Wynyard and offers support to workers on adjacent industrial use sites. The applicant notes that the longstanding Seabrook Hotel forms part of the local sense of identity and supports the vision of thriving local communities as well as future direction themes of Business and Industry, Tourism, Strong Communities and Social Capital, and Place Making and Liveability.

Community Study

This document identifies that diversity across the commercial sector, including service industries, provides a cushion against the negative impact of downturn in industries such as mining. The proposal provides the opportunity to secure an established business which provides employment across different types of service industry work including hospitality and entertainment.

Regional Resource Analysis

Somerset is identified as containing adequate land to accommodate future industrial expansion. The proposal is for rezoning of a developed site with no recent history of industrial use and which is unlikely to be used for industrial use in future. The proposal will seek to increase and retain population in the region by securing the future of an established key business and providing opportunity for complementary infill development close to the Somerset CBD.

Demonstration of ‘consistency’ with regional strategies for the purposes of s300(1) does not go so far as to require strict compliance with every component of the CCRLUS and Sustainable Murchison Community Plan 2040, particularly as not every part is relevant to the proposal. It is only necessary for the amendment to be consistent with these strategic documents as whole and it is considered that the proposal adequately demonstrates this.

S300(2)	<p><i>An amendment, of a planning scheme, that would amend a local provision of the scheme or insert a new provision into the scheme may only be made under Division 2 or 2A if –</i></p> <p><i>(a) the amendment is not such that the local provision as amended or inserted would be directly or indirectly inconsistent with the common provisions, except in accordance with section 30EA , or an overriding local provision; and</i></p>
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	<p>(b) the amendment does not revoke or amend an overriding local provision; and</p> <p>(c) the amendment is not to the effect that a conflicting local provision would, after the amendment, be contained in the scheme.</p>
<p>The application does not involve the amendment or creation of any local provisions and therefore s300(2) does not apply to this proposal.</p>	
S300(3)	<p><i>Subject to section 30EA, an amendment may be made to a local provision if –</i></p> <p>(a) the amendment is to the effect that a common provision is not to apply to an area of land; and</p> <p>(b) a planning directive allows the planning scheme to specify that some or all of the common provisions are not to apply to such an area of land.</p>
<p>The application does not involve the amendment of any local provisions and therefore s300(3) does not apply to this proposal.</p>	
S300(4)	<p><i>An amendment may not be made under Division 2 or 2A to a common provision of a planning scheme unless the common provision, as so amended, would not be inconsistent with a planning directive that requires or permits the provision to be contained in the planning scheme.</i></p>
<p>The application does not involve the amendment of any common provisions and therefore s300(4) does not apply to this proposal.</p>	
S300(5)	<p><i>Subject to section 30EA, an amendment of a planning scheme may be made under Division 2 or 2A if the amendment consists of –</i></p> <p>(a) taking an optional common provision out of the scheme; or</p> <p>(b) taking the provision out of the scheme and replacing it with another optional common provision.</p>
<p>The application does not involve the removal or replacement of any optional common provisions. Neither s300(5)(a) nor s300(5)(b) applies to the proposal.</p>	
<p>Section 32(1)(f) LUPAA</p> <p>A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A) –</p> <p>(f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms</p>	
<p>The primary purpose of the application is to change the zoning of the site to one which allows for Hotel Industry use. Currently this use is prohibited in the General Industrial zone. In addition to making Hotel Industry a permissible use on the site, the amendment would make six other uses permissible under PPZ1 which are either not permissible or have different qualifications for use under the current zoning or likely future General Industrial zoning under the TPS.</p> <p>One of these uses, Visitor Accommodation, is already present on the site as part of the hotel. The property already provides entertainment in the form of a gaming lounge and bar with gambling facilities/televised sports and also includes a bottle shop. Visitors to the area can make use of the restaurant and accommodation provided on the site. It is considered likely that any development for Community Meeting & Entertainment, General Retail & Hire or Tourist Operation Use, which will all become permissible under the proposed zoning, will be incorporated into the existing use in an ancillary manner rather than as distinct or separate developments on the site. The property is already developed by the Seabrook Hotel and associated parking. There is a limited area available to expand the existing use or to incorporate a new use. Further, any proposal which</p>	

<p>would significantly increase traffic onto the Bass Highway is unlikely to be supported by the Department of State Growth. The history of the site is well established as a local venue and the proposal is not considered to significantly increase competition between businesses in the region. The remaining different permissible uses, Bulky Goods Sales & Business and Professional Services, are not directly compatible with the established use on the site and replacement of the Seabrook Hotel with either of these uses is considered unlikely.</p> <p>The proposal is not considered to be creating unreasonable sprawl of commercial development as the rezoning is for a well-established business. The site is not currently able to be used for industrial purposes and the reduction in General Industrial zoned land is considered to be minimal within the context of the entire region. Removing this site from General Industrial zoned land to Particular Purpose Zone 1, a zone which was intended to exist alongside industrial land, provides formal recognition of the current and historical pattern of development on the site. It supports the economic and social development of the region by ensuring the site can continue to operate as a source of employment and provide a gathering point for the community. The proposal is not anticipated to have any environmental impact as it relates to a site which has already been developed from its natural state and has not been identified as being of any ecological significance.</p> <p>It should be noted that Council encouraged this site to be included within the application to create the Particular Purpose Zone for the neighbouring property at 15285 Bass Highway, but at the time there was a lack of cooperation between the parties involved.</p>	
<p>Section 32(2) LUPAA</p> <p>The provisions of section 20 (2), (3), (4), (5), (6), (7), (8) and (9) apply to the amendment of a planning scheme in the same manner as they apply to planning schemes.</p>	
<p>The proposal does not conflict with any of the provisions of section 20 (<i>What can a planning scheme provide for?</i>).</p>	
<p>Section 33(1) LUPAA</p> <p>A person may request a planning authority to amend a planning scheme administered by it.</p>	
<p>Section 33(2) LUPAA</p> <p>A request is to be in a form approved by the planning authority or, if a form has been approved by the Commission, is to be in that form.</p>	
<p>The application format complies.</p>	
<p>Section 33(2A) LUPAA</p> <p>If a request under subsection (1) is in respect of one parcel or several parcels of land covered by the planning scheme and is requested by a person who is not the owner of the land to which the proposed amendment applies, the request must be –</p> <ul style="list-style-type: none"> (a) signed by the owner or owners of the land; or (b) accompanied by the written permission of the owner or owners to the making of the request. 	
<p>The application form was signed by the company officeholders of the owner, MRU Hotels Pty Ltd. Written permission of the officeholders was also provided. The application complies with s33(2A).</p>	
<p>Section 33(2B) LUPAA</p> <p>Before making a decision as to whether or not to initiate an amendment of the planning scheme, the planning authority must consider -</p>	
<p>s33(2B)(a)</p>	<p><i>whether the requested amendment is consistent with the requirements of s32</i></p>

The proposal was assessed against the section previously in this report, and it was found that the proposal was consistent with s32 LUPAA.	
s33(2B)(ab)	<i>any representation made under s30I, and any statements in any report under s30J as to the merit of a representation, that may be relevant to the amendment</i>
This site was not the subject of any section 30I representations, nor was it considered under the section 30J Report.	
s33(2B)(b)	<i>any advice referred to in s65 of the Local Government Act 1993 received by it</i>
No advice in accordance with s65 of the <i>Local Government Act 1993</i> has been sought or received by Council.	
Section 33(3) LUPAA	
A planning authority must, within 42 days of the receipt of a request or such longer time as the Commission may allow, make a decision as to whether or not to initiate an amendment of the planning scheme and serve on the person who made the request notice of its decision within 7 days of making the decision.	
An extension to the 42 day assessment timeframe was required due to the date of lodgement and Council's closure over the Christmas period. Council requested an extension so that the proposal could be considered at Council meeting of Monday 21 February 2022. The extension request was granted by the Tasmanian Planning Commission on 7 February 2022.	

STATUTORY IMPLICATIONS

The proposal requests that land identified as 15275 Bass Highway be rezoned from General Industrial to Particular Purpose Zone 1.

For a planning scheme amendment to be initiated (supported), the proposal needs to be assessed as complying with the relevant sections of LUPAA, the objectives of the State Planning Policies, CCRLUS, the Sustainable Murchison Community Plan 2040 and the planning scheme (please refer to legislative requirement above for further detail). It is considered that the proposed amendment as demonstrated in the planning assessment is consistent with the legislative documents and should therefore be initiated.

POLICY IMPLICATIONS

A planning scheme is a policy statement by a planning authority with respect to local requirements for the use, development, conservation and protection of land so as to achieve compliance with the requirements of State legislation and land use strategies.

Council has a statutory duty as a planning authority to ensure local planning controls are appropriate to the provision of a sustainable future for the Waratah-Wynyard municipality. The planning scheme amendment is consistent with common provisions of the planning scheme. It is therefore recommended that the planning scheme amendment be initiated.

FINANCIAL IMPLICATIONS

There may be financial costs associated with a planning scheme amendment application. This includes costs to represent the interests of the planning authority before the Tasmanian Planning Commission (TPC) if a hearing is required, and costs in preparing the amended

planning scheme maps for inclusion in the planning scheme. These are operational costs within the budget considerations of Council.

RISK IMPLICATIONS

Applications for planning scheme amendments are ultimately determined by the TPC. The Council is required in the first instance to decide whether to proceed and initiate the planning scheme amendment. Should the application for planning scheme amendment be initiated for public exhibition, it is also required to be certified under s35 LUPAA.

The risk to Council if the proposed planning scheme amendment is not initiated (rezoned) is the continuation of a use which is prohibited under the current General Industrial zoning. Currently, the existing Hotel Industry use on the site is inconsistent with the purpose of the General Industrial zone and strategic documents for the region and the protection offered by existing non-confirming use rights do not allow for the established use to suitably grow in response to the changing needs of the community.

CONSULTATION PROCESS

Should the planning authority choose to progress with the planning scheme amendment, the next step will be a public exhibition for a minimum of 28 days. At the expiration of the public exhibition period, Council is to provide the TPC with its Statement of Opinion including any representations that may have been received.

COMMENT

The rezoning of the site currently zoned General Industrial to Particular Purpose Zone 1 will more appropriately reflect the use of the site and ensure its ability to continue to provide employment and provide services to both locals and visitors to the region.

As discussed above, the proposal is consistent with the requirements of LUPAA, the CCRLUS, the Sustainable Murchison Community Plan 2040 and the planning scheme. The planning authority can only decide to allow a planning scheme amendment application to progress to exhibition if it does not conflict with, or is in accordance with, the list of provisions stated under s33 and s32 of LUPAA. It is therefore recommended that the proposal for rezoning of land at 15275 Bass Highway be initiated in accordance with the recommendations at the beginning of this report.

MOVED BY	CR COURTNEY
SECONDED BY	CR DUNIAM

That Council:-

- 1. In accordance with s34(1)(a) of the *Land Use Planning and Approvals Act 1993*, initiates a planning scheme amendment PSA 1/2021 to rezone land at 15275 Bass Highway Somerset from General Industrial to Particular Purpose Zone 1.**

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2. In accordance with s34(1)(b) of the *Land Use Planning and Approvals Act 1993*, Council includes in the initiated planning scheme amendment the land contained in Sealed Plan: 15471 Lot: 1.
 3. In accordance with s35(1)(a) of the *Land Use Planning Approvals Act 1993*, Council certifies planning scheme amendment PSA 1/2021 as meeting the requirements of s32 of the *Land Use Planning Approvals Act 1993*.
 4. In accordance with s35(4) of the *Land Use Planning and Approvals Act 1993*, Council forwards a copy of each of the sealed instruments of Certification and the draft amendments to the Tasmanian Planning Commission.
 5. In accordance with s38 of the *Land Use Planning and Approvals Act 1993*, Council publicly exhibits the draft amendments PSA 1/2021 for a period of 28 days.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

PLANNING AUTHORITY CLOSED AT 6.27PM

7.0 MATTERS RAISED BY COUNCILLORS**7.1 RESPONSE(S) TO COUNCILLOR QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING****7.1.1 CR BRAMICH - COMMUNITY NOTICE BOARDS****QUESTION**

Cr Bramich asked if Council could install Community Noticeboards in key locations such as Civic Square or Cow Park Wynyard and Somerset CBD.

OFFICERS RESPONSE

Refer Notice of Motion this agenda.

7.2 COUNCILLOR QUESTIONS RECEIVED IN WRITING

Nil received.

7.3 COUNCILLOR QUESTIONS WITHOUT NOTICE**7.3.1 CR COURTNEY - VEXATIOUS COMPLAINTS**

Cr Andrea Courtney noted ongoing complaints and accusations made against council regarding its compliance and actions on DDA matters. She asked the General Manager to advise when such complaints become vexatious.

The General Manager noted that council, rather than having one specific document, has a number of disability inclusion actions across multiple strategic plans.

The General Manager also noted that Council would be looking at further specific actions as part of 22/23 budget and annual plan process.

7.3.2 CR FAIRBROTHER - SISTERS BEACH FIRE BREAKS WORK

Cr Darren Fairbrother noted the great work that has been completed on fire breaks at Sisters Beach in response to the recommendations of a report in 2020. He asked if Council could write to the relevant department thanking them for completion of the work.

The General Manager will undertake to write to the relevant department as requested.

8.0 NOTICE OF MOTION

8.1 CR BRAMICH - ELECTRONIC COMMUNITY NOTICE BOARDS

BACKGROUND INFORMATION

Following feedback from the community and given the difficulty ensuring the areas key noticeboards are kept up-to-date, I believe Electronic Noticeboards that can be updated from the office would be a better solution for the community.

CCTV cameras already established in these key areas in Wynyard and Somerset could monitor the signs and prevent damage or vandalism.

OFFICERS COMMENT

Council's Communication Strategy, developed taking into consideration the feedback from the 2019 Customer Satisfaction Survey and best practice from around Australia, does not strongly support electronic noticeboards in the community.

The proposed motion seeks to add electronic noticeboards to Wynyard and Somerset.

Details are not clear as to the size, scope and nature of these devices. The cost of such electronic noticeboards will vary depending the size and nature of the display.

Considerable thought needs to go into the administration and management of such noticeboards. Should the information displayed be from all community groups; it is likely Council officers will take on the associated administrative work associated with this upkeep. For the noticeboards to be effective, they need to be updated regularly.

From previous community surveys Council understands that only 21% the community list noticeboards as their preferred method of communication from Council, with over 50% selecting website, social media and newsletters as the preferred method. Specific detail was not sought on electronic versus traditional noticeboards.

There are three community noticeboards within 80m of each other in central Goldie Street - one located on the wall in the entry of Woolworths, one outside "Nuts About Health" and one located at Civic Park.

Council has very limited resourcing implications associated with the existing noticeboards and could consider some additional promotion of the boards consisting of:

- Social Media Posts;
- internal education via the staff newsletter;
- notification on the digital communication board ;
- notification sent to community groups such as Live Well, U3A, Rural Health, Garden Club etc.

The Somerset community plaza has a new notice board in addition to the notice board in the milk bar in Somerset. There is a community noticeboard at the Post Office in Waratah.

Council is currently considering a Community Survey for 2022. As per the 2019 survey, feedback could be sought on preferred communication mediums to ensure any changes meet community needs and expectations.

MOVED BY	CR BRAMICH
SECONDED BY	CR DUNIAM

That Council:

- 1. Install Electronic Signage Boards at Civic Square or the Cow Park in Wynyard and the Somerset CBD; and**
- 2. Add purchase, installation, security and maintenance costs of Electronic Signage Boards to the 2022/23 Annual Budget.**

PROCEDURAL MOTION

MOVED BY	CR COURTNEY
SECONDED BY	CR FAIRBROTHER

That the MOTION be DEFERRED pending review at a Councillor Workshop.

The PROCEDURAL MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

8.2 CR DUNIAM - SAFETY MEASURES AT SOMERSET TRAFFIC LIGHTS

BACKGROUND INFORMATION

These recommendations are in alignment with upgrades to be undertaken by the Department of State Growth in line with the Bass Highway Action Plan : (https://www.transport.tas.gov.au/projectsplanning/road_projects/north_west_road_projects/bass_highway_action_plan/cooee_to_wynyard_upgrade_program)

- on the section of the Bass Highway at Somerset from the Cam River Bridge through to Wynyard.

It should be noted that this section of the Bass Highway is primarily residential, and several residents have frequently raised the following issues:

1. Vehicles are failing to slow down and/or stop at red lights at the traffic lights, in particular large vehicles / log trucks. Frequent near-misses have been observed at these lights in recent times in an East/West direction. Residents have suggested that a non-variable and permanent reduction of speed from 70kph to 60kph would manage this traffic risk. Residents have also raised the issue of the new-ish road surface which has increased the noise level of traffic on this section of road, and that a reduction of speed would also reduce this noise level.
2. As with the above background information, it has been suggested that cameras be installed at the T-junction of Falmouth Street and the Bass Highway as a means of reducing the risk and also monitoring such incidents.
3. For some considerable time, large vehicles, in particular log trucks continue to use noisy engine brakes through this built-up residential area of the Bass Highway (approximately from George Street to Falmouth Street), despite signs requesting that they do not do so. It is obvious that these signs are being ignored, and therefore the recommendation is for more significant signage to replace the current signage requesting non-use of engine brakes in this area.
4. It has been observed over a period of time that turning right from the Bass Highway (near Arthur Street) into Somerset Esplanade (western end) when heading in a westerly direction requires following traffic to brake suddenly or pull over to the left to pass the turning vehicle thereby slowing the traffic flow considerably. This area beside Gaffney Machinery and the turn-off is narrow, and therefore is a road safety hazard for vehicles turning right into Somerset Esplanade at this junction.

These significant road safety issues raised by residents in this area of Somerset have for some time caused considerable frustration and concern. It is on this basis that this Motion seeks support from the Council for the Department of State Growth to address each of these recommendations promptly in line with the Bass Highway Action Plan (Cooee to Wynyard Upgrade Program) to improve traffic safety on the Bass Highway through Somerset Officers Comment

The Bass Highway through Somerset is under the management and ownership of the Department of State Growth (DSG). As indicated in the motion the DSG are currently undertaking or planning to undertake improvement and upgrade works throughout this section of the Bass Highway.

As part of the delivery of these upgrade packages, feedback for consideration of the DSG can be provided at participate@ghd.com. Should this Notice of Motion be carried, the recommendations contained within will be forwarded to DSG for consideration through this portal.

MOVED BY	CR DUNIAM
SECONDED BY	CR BRADLEY

That Council:

- 1. Recommend the State Government Department of State Growth to reduce the speed from 70K to a non-variable 60K permanently on the Bass Highway through Somerset;**
- 2. recommend the installation of cameras at the traffic lights on this section of the Bass Highway;**
- 3. recommend the replacement of '*Do not use engine breaks in a built up area*' with clearer signage on the Bass Highway; and**
- 4. recommend a stop right hand turn of traffic travelling West on the Bass Highway into the T-junction of Bass Highway and Western end of Somerset Esplanade.**

The MOTION was put and was LOST.

IN FAVOUR

CR DUNIAM			

AGAINST

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

8.3 CR FAIRBROTHER - CHANGES TO PLANNING AND BUILDING RULES

BACKGROUND INFORMATION

Council has a number of ratepayers with building related problems that can be attributed to deficiencies within legislation.

One ratepayer at Boat Harbour Beach in a designated b slip area has an existing dwelling and sought to replace an existing deck. Demolition of the old deck and construction of a new deck triggers the need for compliance with the bushfire requirements. Current bushfire requirements require a dedicated 10000l for bushfire fighting. Yet as it is in a landslip B area it is constrained to 10000l water storage. Whilst the owner has 13000 existing supply this is not deemed sufficient for both bushfire and domestic purposes.

Equally another resident has achieved planning approval for part replacement of a dwelling in A slip area and is constrained by a clear pathway under the building rules.

These are current anomalies and deficiencies that exist in the current Planning and Building rules that are impacting on Councils staff ability to function in accord with community expectation.

Equally the legislation does not appear to be providing the benefits to community that parliament intended, and changes are requested to provide practical workable outcomes.

Both motions have come about through ratepayer frustration with deficiencies in the legislation. As I understand Council staff are unable to act in certain circumstances due to deficiencies within the law. The motion is seeking to make the law more contemporary and up to date and provide a common-sense approach to an existing unworkable problem.

As it stands the current rules are devoid of common sense and appear contrary to performance based sustainable development . The current rules reflect a prescriptive approach to legislature which is outdated and does not reflect changes in engineering design, practice, standards and methods.

The motion requests Council to initiate changes on behalf of its community.

OFFICERS COMMENT

This particular motion was listed on the Council agenda at the January 2022 meeting, but not subsequently moved. In the January agenda, Council officers stated

Landslip is a serious constraint for development in Tasmania. Boat Harbour Beach is a well-known area impacted by landslip and has been declared as such under the Mineral Resources Development Act 1995.

Building and associated activities in declared landslip areas are severely restricted by the current legislation with the intent to address safety and risk.

Work such as erecting a shed, a small building or doing other building work in Landslip A requires the owner to obtain comprehensive geotechnical advice, seek a Certificate

of likely compliance from a building surveyor, and planning approval from Council. The council's General Manager can then forward these documents with a letter of recommendation to the Minister for approval. The Minister is solely authorised to grant approval or not.

These declared landslip areas are designed to restrict building and other activities on unstable land and the Building Act 2000 and the Building Regulations 2014 still apply to building in these areas. Consumer, Building and Occupational Services (CBOS) administers this legislation as well as the Building Act 2016 and Building Regulations 2016.

There is a current requirement in Landslip B areas that a landowner must not store more than 10,000 litres of water or any explosives, flammable liquids or dangerous substances. This requirement was legislated prior to more stringent bushfire regulations being adopted.

It would be worthwhile to identify all known instances where development would not be able to proceed due to this restriction on water storage and forward this advice to the ombudsman.

It is likely that the State Government would require a risk based case to compel relaxation of the building approval requirements within declared Landslip A areas, as they have been adopted to address the community's safety.

The difficulties that Council officers have had with this process are that complications due to the works have typically preceded the first step of the process, rather than being the last step after the Minister's approval. Often times (and perhaps out of frustration by landowners), despite clear advice provided to new landowners and at pre-lodgement meetings of the additional requirements for building approvals in these areas.

Since the January Council meeting, it is important to note that the building surveyor and CBOS have confirmed that a pathway exists for council to be able to issue the applicant at the Boat Harbour Beach property a Permit of Substantial Compliance on this specific occasion. This advice was not received prior to the party referred to in the motion lodging a complaint to the Ombudsman relating to the matter.

MOVED BY	CR FAIRBROTHER
SECONDED BY	CR BRAMICH

1. That Council write to the respective Ministers and or State Government bureaucrats to request a review of the planning and building rules to provide for the following:
 - a. Sufficient water storage for both domestic household use and water storage for firefighting purposes in landslip b areas and suggest as a minimum 20,000 L (10,000+10,000) for this purpose;
 - b. Repair, replacement and renovation of existing buildings in areas of designated landslip A; and
2. Make representation to state cabinet members, local members of the house of assembly and local legislative councillors etc seeking their support for such changes.

The MOTION was put and was CARRIED.



IN FAVOUR

	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM		CR FAIRBROTHER	

AGAINST

MAYOR WALSH			
	CR EDWARDS		CR HYLAND

8.4 CR DUNIAM - DEVELOPMENT OF LOCAL HERITAGE REGISTER

- Enclosures:
1. Locally Heritage Significant Intewar Californian Bungalows

 2. Locally Heritage Significant Victorian Georgian Residences


BACKGROUND INFORMATION

Our municipality has many places of heritage value, including buildings, infrastructure, cemeteries, archaeological sites, gardens, urban and agricultural areas, and its people. Waratah-Wynyard comprises several settlements: Wynyard, Somerset, Waratah, Boat Harbour, Sisters Beach, Yolla and Elliott and surrounds. This indicates the variety of communities within our municipality, each with their own unique characteristics.

Our people and places are crucial for future generations to learn about and understand our past. Our day-to-day exposure to heritage places allows us to develop a connection with our past and diverse local communities.

It is suggested that criteria for entry into the Waratah-Wynyard Local Heritage Register, entries should meet one or more of the following criteria:

- a) the place is important in demonstrating the evolution or pattern of the region's history;
- b) the place demonstrates, rare, uncommon or endangered aspects of Waratah-Wynyard's cultural heritage;
- c) the nominate place has potential to yield information that will contribute to an understanding of Waratah-Wynyard's history;
- d) the nominated place is important in demonstrating the principal characteristics of a particular class of cultural places important to Waratah-Wynyard;
- e) the nominated place is important to the region because of its aesthetic significance;
- f) the nominated place is important in demonstrating a high degree of creative or technical achievement at a particular period for the Waratah-Wynyard municipality;
- g) the nominated place has a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons important to the Waratah-Wynyard community; or
- h) the nominated place has a special association with the life or work of a particular person, group or organisation of importance in Waratah-Wynyard's history.

This proposed Motion supports the Corporate Strategic Plan 2017/2027 and Sustainable Murchison 2040, in particular Thematic Goal 3: *Connected Communities*

Waratah-Wynyard community members will feel a sense of inclusion, belonging and value within a thriving, innovative and diverse population. They will be actively engaged in developing Council facilities, services and programs, and will be encouraged to provide input to planning for community needs.

Outcome 3.1: *Waratah-Wynyard is a modern community – moving forward but not forgetting where it started.*

It should be noted that in 2012 this Council undertook a significant Heritage Inventory focusing on *Locally Heritage Significant Inter-War Californian Bungalow Residences* and *Locally Heritage Significant Victorian Georgian Residences* (copy attached).

While this report represents the value of our heritage, the Waratah-Wynyard Heritage Register must also include environmental, geological, archaeological, indigenous and cultural aspects of our municipality in order build public interest knowledge and appreciation of places and people of significance.

It should be noted that the intent of this Motion is not to override the Waratah-Wynyard Interim Planning Scheme conditions but to provide background information for Developers, researchers and residents if required.

The intent of this Motion is to provide Waratah-Wynyard with an on-going legacy that provides evidence and insight into our amazing heritage, which as referred to above, was commenced in 2012

OFFICERS COMMENT

Heritage in Tasmania is preserved in two ways, the State Heritage Register, which is administered by Heritage Tasmania, and under planning schemes by using the Local Heritage Code. It is a priority based system. Matters of State significance are included in the State Heritage Register and matters of local significance can be listed under the Local Heritage Code.

Council does not currently use this code within the planning scheme, due to the lack of a register and information on sites and buildings to create a register.

For a site or building to be listed under either option, a level of detail and information needs to be provided to support its inclusion within a register. This is a report that clearly identifies the site, the significance of the site, and what attributes are required to be preserved.

The work that Council commissioned in 2012 identified potential sites and buildings but did not include sufficient detail as to why they should be included within a heritage register. At the time the additional work required for inclusion within a register was deemed excessive. A heritage consultant would be required to provide such recommendations.

Development of an "in house" non-statutory register would still require a level of rigour in order to verify potential listings.

The work completed to date is limited to locally significant dwellings. The motion proposes to encompass other heritage sites, including environmental, geological, archaeological, indigenous and other cultural aspects. This is a wide scope and not currently resourced or funded within the organisation. It should also be noted that Aboriginal heritage is administered under the *Aboriginal Heritage Act 1975* and information regarding indigenous heritage would not be best placed being held within a Council, and in fact there is likely to be opposition to that.

Council has commenced some further informal registers, such as a record of memorials and plaques.

Currently, if Council is seeking historical information then it contacts the Historical Society. As this group already keeps information which would be similar to that would be included in a non-statutory register of locally significant sites and buildings, Council could make an approach to the Historical Society to gauge their interest and ability to develop and maintain

a register. Such an agreement may require Council to contribute to the development and maintenance.

Should this motion be successful, it is suggested it is listed as an Annual Plan action for the 2022/23 Annual Plan and resourced appropriately.

MOVED BY	CR DUNIAM
SECONDED BY	CR COURTNEY

That Council:

- 1. Draft a Local Heritage Register for Waratah-Wynyard Municipality; and**
- 2. Draft a Policy to support the above Local Heritage Register for the Waratah-Wynyard Municipality.**

PROCEDURAL MOTION

MOVED BY	CR BRAMICH
SECONDED BY	CR COURTNEY

That the MOTION be DEFERRED for discussion at a Councillor Workshop with local groups to be invited to consult on the development of a Local Heritage Register.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 PUBLIC LAND DISPOSAL CONSULTATION OUTCOME - WARATAH

To:	Council
Reporting Officer:	Director Organisational Performance
Responsible Manager:	General Manager
Report Date:	8 February 2022
File Reference:	1
Enclosures:	Nil

PURPOSE

This report has been prepared to report on the outcome of the recent public land disposal process for land 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.

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.

Council at its meeting on 13 December 2021 resolved to commence the public land disposal process for land located in Waratah considered surplus to the needs of the community.

6 Main Street, Waratah



6 Main Street, Waratah is a vacant lot 0.0357 Ha in size.

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.

DETAILS

Council has recently sold land within Waratah 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 the area.

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 was undertaken throughout January with the community invited to make submissions on the proposed sale. The public land disposal process provides an opportunity for the community to provide feedback prior to Council making a formal decision to sell.

An advertisement was placed in the Advocate newspaper on 8 and 15 January 2022. Notices were placed on the properties and additional information provided on Councils web site.

The submission period concluded on 31 January and to date no formal submissions made by the community.

STATUTORY IMPLICATIONS

Statutory Requirements

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:
Business & Industry	Specialised diversity of the economy – Value adding, diversification, innovation and employment. A resilient economy with global brand recognition and growing exports.
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, market appraisals will be sought to determine an appropriate listing value.

Council may consider reinvesting funds into planned community infrastructure within the Waratah community. This could be considered as a part of Council’s budget deliberations.

RISK IMPLICATIONS

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

CONSULTATION PROCESS

The community were invited to make submissions on the proposed public land disposal. An advertisement was placed in the Advocate newspaper on 8 and 15 January 2022. Notices were placed on the properties and additional information provided on Councils web site.

RECOMMENDATION

That Council:

1. Note the outcome of the public land disposal for land located at 0 Quiggin Street, Waratah (PID 997980), 6 Main Street, Waratah (PID 7003597), and 14 Walker Street, Waratah (PID 7003933); and

-
2. Resolve to proceed with sale 14 Walker Street, Waratah (PID 7003933).

MOVED BY	CR COURTNEY
SECONDED BY	CR DUNIAM

That Council:

- 1. Note the outcome of the public land disposal for land located at 0 Quiggin Street, Waratah (PID 997980), 6 Main Street, Waratah (PID 7003597), and 14 Walker Street, Waratah (PID 7003933); and**
- 2. Resolve to proceed with sale of 14 Walker Street, Waratah (PID 7003933).**

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

9.2 TREE MANAGEMENT POLICY

To: Council
Reporting Officer: Director Organisational Performance
Responsible Manager: Director Infrastructure and Development Services
Report Date: 2 December 2021
File Reference: Trees
Enclosures: 1. Draft Tree Management Policy 

PURPOSE

The report has been prepared for Council to adopt the Tree Management Policy and associated guidelines.

BACKGROUND

The purpose of the policy is to provide direction and guidance to Council staff in relation to the management of trees under Council control.

The last review of this Policy was conducted in early 2020 as an internal management policy however there is value in the policy being a public facing Policy due to the level of interest received from the community in the management of trees.

Requests for removal or major trimming of sound trees may arise for several reasons including a dislike of the tree species, the tree dropping foliage, sap or blossom, blocked views or shading of properties. Requests of this nature will be investigated but usually no works are to be carried out on such trees unless the tree is dying or diseased, poses a high risk to public safety, poses a high risk to public infrastructure or other nuisance.

The Policy requires that a procedure manual be maintained for new/re-planting species.

DETAILS

Trees and associated vegetation form an integral part of the natural environment. This Policy assists to guide the appropriate management of trees to ensure that where possible the natural environment is preserved but also ensures that the risk of damage or injury from trees is also managed.

The Policy requires the Council staff to maintain a tree inventory and inspection program and outlines Council's approach to the maintenance of including how works are prioritised based on risk is also covered.

STATUTORY IMPLICATIONS

Statutory Requirements

There are a number of legislative considerations in the management of trees including: -

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 7: Environment
Desired Outcomes
7.4 The natural environment is shared, and land use conflict is reduced through sustainable development.
Our Priorities
7.5.1 Protect, enhance and recover biodiversity through forward thinking and planning.

GOAL 1: Leadership and Governance
Desired Outcomes
2.1 We are a knowledgeable organisation—we demonstrate best practices in our business processes.
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:
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.

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no additional 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.

- Legislative compliance
The Policy minimises the risk of non-compliance with Council’s statutory obligations.
- Reputational Risk
The Policy will assist in managing community expectations in the management of trees by providing transparency in the way trees are managed and maintained for the benefit of the community.
- Environmental Impact

The Policy ensures environmental considerations when undertaking tree management activities.

CONSULTATION PROCESS

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

CONCLUSION

It is recommended that Council adopt the Policy as presented.

MOVED BY	CR COURTNEY
SECONDED BY	CR DUNIAM


That Council adopt the Tree Management Policy as presented.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

9.3 FINANCIAL REPORT FOR THE PERIOD ENDED 31 JANUARY 2022

To:	Council
Reporting Officer:	Corporate Accountant
Responsible Manager:	Director Organisational Performance
Report Date:	4 February 2022
File Reference:	6
Enclosures:	1. Monthly Capital Works Report 

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
- Grant Summary
- Operating Performance by Department
- Capital Works Summary
- Capital Works Progress Report

DETAILS

Council is currently tracking well against budget with a forecast favourable variance to budget of \$350k. 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.

Council is likely to experience increased volatility in its operating revenues and expenditure in the coming months as the impacts of COVID-19 circulating within the community. Childcare operations are an area where there is known variation not yet adjusted for in the budget estimates. Council officers will finalise forecasts for this area and provide an updated forecast in next month's agenda.

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 DUNIAM

That Council note the Financial Reports for the period ended 31 January 2022.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

9.4 SENIOR MANAGEMENT REPORT

To:	Council
Reporting Officer:	Executive Officer
Responsible Manager:	General Manager
Report Date:	24 January 2022
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 Acting General Manager and General Manager during the period 15 January 2022 to 14 February 2022.

Corporate

- Held an introductory meeting with Alina Bain of Regional Development Australia, Tas
- The Acting General Manager participated in internal Business Continuity Meeting

Community

- Attended the Community Conversation event in Waratah
- Met with Sisters Beach Wildcare representatives to discuss proposed tree removals and sight a number of community projects underway
- The Acting General Manager attended the Alchymia Distillery opening event
- Held a number of meetings with community members onsite and in the Council offices relating to a variety of matters

Industry

- Attended the Owners Representatives Quarterly Briefing – North West from TasWater

Other

- Attended the Audit and Risk Committee of the Cradle Coast Authority
- Met with Ruth Forrest for a regular update on Council projects and activities
- The General Manager was on leave from 12 January to 31 January 2022

Wynyard Bowls Club – Crown Lease

The Wynyard Bowls and Community Club (WBCC) Crown Lease of their location at Park Street in Wynyard expires on 31 May 2022. Due to an anticipated significant change in cost for the new lease, WBCC have requested that Council take on the new lease with the Crown and WBCC a sublease.

Following discussions with Parks and Wildlife and the WBCC, Council have agreed to this request.

In line with the recommendations of the Fees and Charges Review, WBCC will:

- continue to own and manage all assets on the leased land;
- will continue to meet all operational and maintenance costs of all assets; and
- will pay service rates and other agreed fees and charges.
- There will be no change of service between Council and WBCC.

ADMINISTRATION – USE OF CORPORATE SEAL

17/1/22	2 X Transfer of Land	1. 72 Walker Street 2. 23 Vincent Street
18/1/22	7 x Transfer of Land	1. 22 Walker Street 2. Ritchie Street 3. Sprent Street 4. Murchison Highway 5. 9 Vincent Street 6. 7 Walker Street 7. 53 Ritchie Street
19/1/22	Part V Agreement and Final Plan and Schedule of Easements	SD2014 – 5 Banksia Avenue Sisters Beach subdivision (4 lots into 16 lots) & dwellings x 2
20/1/22	3 x Transfer of Land	1. 22 Walker Street (re-sealed) 2. 72 Walker Street (re-sealed) 3. 23 Vincent Street (re-sealed)
21/1/21	Grant Deed	Communities Tasmania – ANZAC Park
24/1/22	2 x Transfer of Land	1. Ritchie Street (re-sealed) 2. 72 Walker Street (re-sealed)
28/1/22	Final Plan and Schedule of Easements	SD2118 – 8 Main Street Waratah. (1 into 2 lots)
3/2/22	Final Plan and Schedule of Easements	SD2105 – 16931 Bass Highway Flowerdale – Boundary reconfiguration (4 lots into 4)

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	31 January 2022	5.30pm	17
Wynyard	23 March 2022	5.00pm	
Somerset	18 May 2022	5.00pm	
TOTAL			57

MOVED BY	CR DUNIAM
SECONDED BY	CR EDWARDS

That Council note the monthly Senior Management Report.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

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:

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

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

11.0 CLOSURE OF MEETING TO THE PUBLIC

MOVED BY	CR DUNIAM
SECONDED BY	CR COURTNEY

That the Council RESOLVES BY AN ABSOLUTE MAJORITY that go into Closed Meeting to consider the following matters at 7.33pm:

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) (g) information of a personal nature or information provided to the council on the condition it is kept confidential</i>	15 (2) (g)
<i>Confidential Report R15 (2) - Closed Senior Management Report</i>	15(2)

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

12.0 RESUMPTION OF OPEN MEETING

At 7.50pm 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

THERE BEING NO FURTHER BUSINESS THE CHAIRPERSON DECLARED THE MEETING CLOSED AT 7.50pm.

Confirmed,

MAYOR

21 March 2022