



**ORDINARY MEETING  
OF COUNCIL**

**AGENDA  
OPEN MEETING**

**20 June 2022**

15 June 2022

## **Notice of Meeting – Ordinary Meeting of Council**

In accordance with the *Local Government (Meeting Procedures) Regulations 2015* NOTICE is hereby given that the next Ordinary Meeting of the Waratah-Wynyard Council will be held at the Council Chambers, 21 Saunders Street, Wynyard on Monday 20 June 2022 with the Business of the meeting to be in accordance with the following agenda paper.

### **General Manager's Certification**

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

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



Shane Crawford  
GENERAL MANAGER

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

15 June 2022

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

Dear Shane,

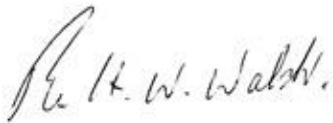
#### **COUNCIL MEETING**

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

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

I request that you make the necessary arrangements for the next ordinary meeting of Council to be convened on Monday 20 June 2022 commencing at 6:00pm at the Council Chambers, 21 Saunders Street, Wynyard.

Yours sincerely



Cr Robby Walsh  
MAYOR

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

**AGENDA OF AN ORDINARY MEETING OF THE WARATAH-WYNYARD COUNCIL TO BE HELD AT THE COUNCIL CHAMBERS, 21 SAUNDERS STREET, WYNYARD ON MONDAY 20 JUNE 2022, COMMENCING AT 6:00PM**

	<b>From</b>	<b>To</b>	<b>Time Occupied</b>
Open Council			
Planning Authority			
Open Council			
Closed Council			
Open Council			
TOTAL TIME OCCUPIED			

**DIGITAL RECORDING OF COUNCIL MEETINGS POLICY**

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

**ACKNOWLEDGEMENT OF COUNTRY**

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

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<b>1.0 RECORD OF ATTENDANCE</b>
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**1.1 ATTENDANCE**

**1.2 APOLOGIES**

Nil received.

**1.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Nil received.

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## 2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

#### RECOMMENDATION

**That the Minutes of the Ordinary Meeting of the Waratah-Wynyard Council held at Council Chambers, 21 Saunders Street, Wynyard on Monday 16 May 2022, a copy of which having previously been circulated to Councillors prior to the meeting, be confirmed as a true record.**

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

#### GENERAL MANAGER UPDATE

At the May Council meeting Cr Courtney queried that a question she had asked of the Mayor at the April meeting had not been responded to nor reflected in the minutes. The General Manager committed to review the minutes and determine if this was correct.

Section 29 (6) of Council's adopted *Meeting Procedures Policy*, states "Questions without notice, and any answers to those questions, are not required to be recorded in the minutes of the meeting". Officers have been recording questions that have an associated action for officers or those questions taken on notice in the minutes.

In this instance, it is suggested no change to the official minutes are required. The meeting exchange noted:

*Cr Andrea Courtney commented that it has been brought to her attention that Mayor Robby Walsh is in advertisements stating that as Mayor of Waratah-Wynyard Council he is supporting Federal Liberal Candidate, Gavin Pearce and she asked whether this is appropriate? Cr Courtney noted that she would be very upset if he has represented himself as Mayor and implied that Council support Gavin Pearce as she does not support him or the Liberal Party. She stated that the use of the term Mayor in the ads was inappropriate.*

*The Mayor responded by stating that he is not endorsing Gavin Pearce as Council but as himself. He stated that as there are about four Robby Walsh's he wanted to make it clear it was him and noted that he has recently appeared in the newspaper with Labor politicians and represented as Mayor.*

*It was acknowledged that Cr Courtney had not heard the radio advertisement and the Mayor asked that she listen to the ad and then submit any queries in writing to him for respond.*

It is also noted that section (2) of the Meeting Procedures Policy states "in putting a question without notice at a meeting, a councillor must not –

- (a) offer an argument or opinion; or
- (b) draw any inferences or make any imputations – except so far as may be necessary to explain the question.



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### **3.0 DECLARATIONS OF INTEREST**

Legislative Reference:

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

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

**Councillor and Agenda Item Number**

**Staff and Agenda Item Number**

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## 4.0 COUNCILLORS ANNOUNCEMENTS AND REPORT

### 4.1 ANNOUNCEMENTS BY MAYOR

Nil received.

### 4.2 MAYOR'S COMMUNICATIONS

#### RECOMMENDATION

**That Council note the Mayors Communications**

10/5/22	Meeting with General Manager
12/5/22	Somerset Recreation Ground - Media
16/5/22	<b>DEPUTY MAYOR</b> Council Meeting
19/5/22	Meeting with MP Roger Jaensch
19/5/22	Volunteer Week Morning Tea
19/5/22	Meeting with General Manager
19/5/22	Lighting of Somerset Recreation Ground
23/5/22	Councillor Workshop
24/5/22	Meeting with General Manager
24/5/22	Works Inspirations Program - Presentation
31/5/22	Meeting with General Manager
3/6/22	Wynyard Football Club Celebration Dinner
6/6/22	Councillor Workshop
7/6/22	Meeting with General Manager
8/6/22	Wonders of Wynyard Australian Tourism Gold Medal Award Celebration
9/6/22	Visit to Vincent Industries

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### 4.3 REPORTS BY DELEGATES

Nil received.

### 4.4 NOTIFICATION OF COUNCIL WORKSHOPS

*Legislative Reference:*

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

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

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

#### RECOMMENDATION

**That the Council note the following Workshops**

23/5/22	<b>Outdoor Sensory Garden Wynyard Historical Society Presentation Operational Budget Review</b>
6/6/22	<b>Enforcement Policy Sustainability and Environmental Advisory Group Yolla Amenities Cradle Coast Authority Representatives Meeting Items</b>

#### Councillor Attendance Records

Meetings attended during 2021/22 (Up to – 8/6/22)

	<b>Ordinary Meetings 2021/22 (11)</b>	<b>Special Meetings / AGM 2021/22 (1)</b>	<b>Workshops 2021/22 (24)</b>	<b>Community Conversations 2021/22 (5)</b>	<b>Weeks Leave Approved</b>
Mayor Robert Walsh	9	1	23	5	5
Deputy Mayor Mary Duniam	11	1	24	3	3
Cr Maureen Bradley	11	1	21	3	
Cr Gary Bramich	11	1	24	5	
Cr Andrea Courtney	10	1	20	2	
Cr Celisa Edwards	11	1	24	5	
Cr Darren Fairbrother	9	1	19	2	
Cr Kevin Hyland	11	1	23	5	

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## 5.0 PUBLIC QUESTIONS AND STATEMENTS

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

#### 5.1.1 M CORBETT - FISH FARMS IN BASS STRAIT

##### QUESTION

Mrs Corbett of Wynyard asked if Council is willing to represent the residents and rate payers in all discussions on the subject of fish farms in the Bass Strait.

She also asked if Council has attended any Forums or briefings by the State Government and/or proponents of Fish Farming of the coast, or reviewed any donations or similar from them, or invited presentations from the other side.

The General Managers advised that these questions had been addressed at the April Council Meeting and that he would provide a copy of responses provided. He also noted that Council is yet to form a position on the matter

##### OFFICERS RESPONSE

At the April Council meeting, Council responded to the following questions, provided for your information.

1. *Has council received any documentation from the Tasmanian Government, or any fish farming organisation, regarding the growth opportunities as stated by them for the installation of fish pens in the North west coastal waters, specifically off Burnie, Wynyard, Sisters Beach, Boat harbour and Rocky Cape?*

*Officers advise that no documentation has been received from the Tasmanian Government or fish farming organisations. Anti-fish farmers have sent a number of letters to Council. The Department of Primary Industries Parks Water and Environment suggested if Council have any questions or are seeking information to use the DPIPW website.*

2. *Does the council have a position on any of the documentation that has been supplied to them i.e. Is the council supporting fish farming off the northwest coast of Tasmania be it in Commonwealth waters or inshore waters?*

*Council has not formed any opinion or position on the matter. In October 2021, Burnie City Council wrote to Waratah-Wynyard Council to determine whether Council would be interested in seeking a meeting with the Minister for Primary Industries and Water to discuss Fish Farming. An extract from Council's reply states:*

*"Council has not formed a formal position on fish farming, nor has it taken any steps to educate itself on all aspects of the matter. There are some doubts whether Council needs to proceed with any discussion on the subject at this time or defer until there is a genuine need for involvement; should that ever eventuate. Taking this into account, Council is willing to participate in a joint meeting with neighbouring Councils with the Minister, but not with the specific intent to "discuss and detail expected environmental impact caused by fish farming on the NW Coast" as it cannot provide that qualified advice, but to continue to be fully informed and educated on the subject until such time there is a need to establish a formal position."*

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No further discussion has been undertaken by Councillors on the matter since this time. Council has definitely not received any donations from fish farm proponents.

### 5.1.2 C HUTCHISON - MAYOR WALSH

#### QUESTION

Mr Hutchison of Preolenna asked if the Mayor had consulted with the broader community or fellow councillors before associating the Waratah-Wynyard brand as being supportive of a Liberal candidate for the Federal Election, Gavin Pearce, and do you think it is a good precedent to set for this Council for a Mayor to be in paid advertisements for political organisations and parties .

In the Mayor's absence, the question was taken on notice

#### OFFICERS RESPONSE

The Mayor provided the following response to Mr Hutchison's questions: -

- **Did the Mayor consult with the broader community or fellow councillors before associating the Waratah-Wynyard brand as being supportive of a Liberal candidate for the Federal Election?**

No.

- **Do you think it is a good precedent to set for this Council for a Mayor to be in paid advertisements for political organisations and parties?**

A precedent has not been created and each case will be treated on its merits. I support the recent suggestion for Council to develop some formal guidelines in this regard and I look forward to working with fellow Councillors on the appropriate controls.

### 5.1.3 C HUTCHISON - CR FAIRBROTHER

#### QUESTION

Mr Hutchison of Preolenna asked a question of Cr Fairbrother:

Cr Fairbrother you have been convicted of a criminal offence; you state you are reviewing your position - when will this review be complete. What do you say to this municipality and in regard to the offence you have been charged with, indecent exposure, was it an isolated incident or have you engaged in this type of activity in the past?

The question was taken on notice.

#### OFFICERS RESPONSE

The following response was provided by Cr Fairbrother:

*"The review was completed on or about the 5th June.*

*As a result of the review I have written to the Premier expressing concern and highlighting what appears as a miscarriage of justice within the decision of Magistrate Anderson with a request for affirmative action.*

*A copy of the letter was provided to the local media recently – however was not printed.*

*Happy to answer any questions that relate to the roles and functions of Councillors as prescribed in the Local Government Act."*

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## 5.2 PUBLIC QUESTIONS RECEIVED IN WRITING

### 5.2.1 I BLUCHER - WILDLIFE WARNING SIGNAGE

#### QUESTION

##### Background

Raptors such as Masked Owls, Goshawks, Southern Boobooks and Wedge-tailed Eagles are a relatively common sight on road verges in areas such as Oldina, Calder and Lapoinya (amongst others) where they feed on roadkill and consequently are at risk of collision with other road users. The Wedge-tailed Eagle is of particular concern as it is quite slow to take off given its large size and is also listed as under Tasmania's *Threatened Species Protection Act 1995*.

Oldina Landcare wrote to Council staff on 3/09/2021 in relation to posting road signage informing road users of the potential presence of Wedge-tailed Eagles. Officers committed to keeping us informed of the outcome of this request on but despite a subsequent follow-up query on 20/10/2021 has not responded. An additional follow-up email to the General Manager on 11/01/2022 has not been responded to either.

In addition to these written queries, our Vice Chairman has raised this matter with the Mayor twice, with the last conversation being in April, during which the Mayor verbally committed to raising the matter at a subsequent on-line meeting with other Council members/officers. Despite that commitment no response to this matter has been received either.

##### Question

The question we would like asked at the June 20 Council meeting is:

Given Councils draft iCEP plan item 38.6: *Supporting Biodiversity - Investigate options for reducing the amount of wildlife killed on Waratah-Wynyard's roads* will Council consider the erection of signage on appropriate roads to alert road users to the potential presence of raptors, in particular Wedge-tailed Eagles.



██████████  
████████████████████  
Waratah /Wynyard Council  
21 Saunders St  
Wynyard Tasmania 7325  
*via email*

██████████  
Oldina Land Care Inc  
██████████  
Oldina TAS 7325  
3 September 2021

Dear ██████████

As you're probably aware there are a number of Wedge-tail eagles active above the valleys either side of the Oldina Rd. These birds can often be seen feeding on road kill adjacent to the narrow road verges particularly in the vicinity of the sharp corners at the top of the hill approximately 0.7km south of the point where the electricity transmission lines cross the road.

The narrow verges and very short lines-of-sight mean that it is only a matter of time before a collision between a vehicle and an eagle occurs and we would like to suggest that signage similar to that shown below is erected in suitable locations.



We look forward to your reply.

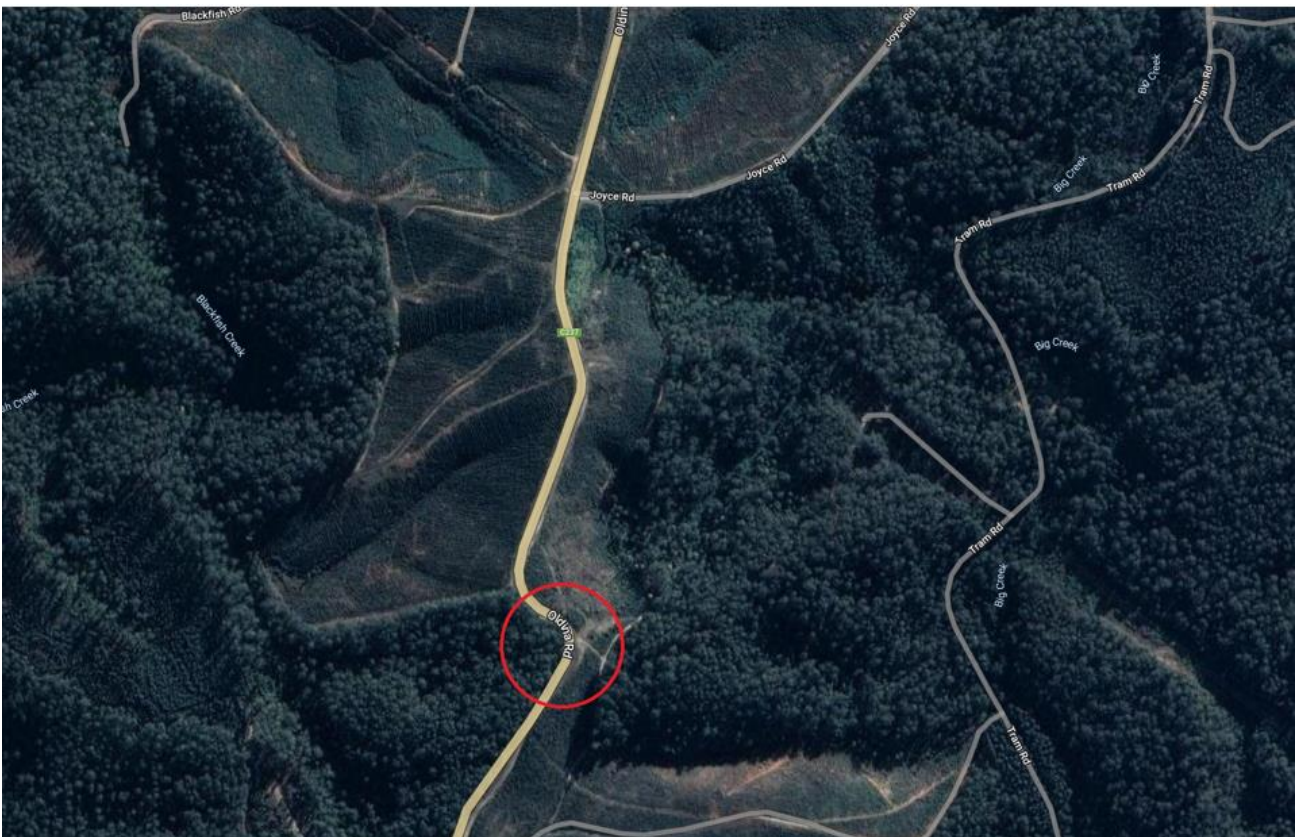
Yours Sincerely

Ian Blucher  
Chairman  
Oldina Landcare

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## OFFICERS RESPONSE

Officers apologise for the delay in responding to Mr Blucher. The requested signs have been ordered and will be installed in the area suggested by Oldina Landcare, as indicated on the map below once received from the manufacturer. It is estimated this will be in the next 3-4 weeks. As per Australian Standards Australian Standards for signage (AS1742), it is recommended that the use of text be limited to avoid unnecessary distraction to driving, for this purpose the proposed text will not be included in the final design of the signage. If any other locations are identified they can be considered for similar warning signage.





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## 5.2.2 T. JOHNSTONE - SALMON FARMING EXPANSION

### QUESTION

I would like to know where individual councillors stand in regard to the proposed trials of salmon pens to be established in waters off our coastline.

Also, if council is willing to actively be involved in assisting group/individuals in understanding and gaining information that is required to make informed decisions.

I am against any proposed trial by the fin fish industry which will ultimately lead to an expanding fin fish industry being permanently established off our coastlines. I am concerned re the environmental impact to wildlife and the coastline, and also the impact on our local commercial fishermen.

I would like to know if there will be a public, open discussion between council and rate payers added to the agenda asap to deal with the proposed trial and potential expansions.

### OFFICERS RESPONSE

Officers advise that the matter of Council's position on Salmon/Fish Farming was answered at the April Council Meeting and is also reiterated in this agenda (Responses to Public Questions Taken on Notice). In summary:

- At this time Council has not formed any opinion or position on the matter nor is it fully informed and educated on the subject.
- It should be noted that Council has no formal authority in relation to marine based fish farms and any involvement would be limited to advocacy.
- Council will not be facilitating or coordinating any public discussions or forums on the subject at this time, nor seeking a formal position on the matter.
- Interested members of the community are suggested to direct their advocacy and questions to the State and Federal government.
- Individual councillors will participate as they wish as members of the community and it is at their discretion whether they disclose any personal views on the subject.

## 5.2.3 J HARMAN-HOLNESS - HOMELESSNESS

### QUESTION

Ms Harman-Holness asked the following questions regarding homelessness:

- What is the council aware of in regard to the homeless residents of the Waratah Wynyard Municipality?
- What (if any) plans are in place by council for these residents currently?
- What is council actively doing to help support these residents of the Waratah/Wynyard Municipality?
- When I refer to homeless, it's only a percentage of the community, meaning those that do not have stable, safe and effective means of lodgings.

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Ms Harman-Holness also stated that (as of 20/05/2022) we currently have 33 families, 42 individuals, 37 couples without stable accommodation within the Waratah/Wynyard Municipality and noted that she supports these people on a regular basis with services, food, shelter and education.

### **OFFICERS RESPONSE**

According to ABS Statistics (ABS, Data by Region), the population of Waratah-Wynyard is 13,900. The median weekly income is \$623, which is less than the Tasmanian state average of \$714. More people in Waratah-Wynyard LGA own their own homes outright compared with the rest of the population of Tasmania with 39% of Waratah-Wynyard residents owning their home outright, 32% owning with a mortgage and 26% are renting.

Council has a number of existing policies and strategic documents that seek to deliver good outcomes for communities. These documents are under continuous review to enable Council to maintain an awareness of how homelessness and other issues, such as health, psychological distress and isolation, impact the community.

Local government is recognised as the tier of government closest to the people of Australia (Megarrity 2011). Council provide a variety of services that support the management of our towns and contributes to the health and wellbeing of our communities through the delivery of infrastructure, community services and regulatory roles.

Council officers work alongside community organisations in regional and rural areas. These existing community groups are often best placed to identify where demand is demonstrated and enable targeted responses, including a suite of actions to identify risks, such as imminent homelessness, and intervene sooner with supports that are tailored to the individual.

Through the Community Health and Wellbeing Plan (2019-2024) Council is able to articulate goals, objectives and actions to ensure that the community's health and wellbeing needs are being monitored and addressed. The Plan supports community members to live well and maintain or improve their health and wellbeing.

Council has a number of different levers to pull in regard to homelessness. This can range from identifying available resources and funding streams, recognising key community stakeholders, supporting effective collaboration of personnel and resources to deliver better, more strategic responses.

Council has a strong commitment from the Mayor, Councillors and staff to support the goals and actions identified in the Health and Wellbeing Plan. This commitment is critical and shows willingness to engage with various participants and create new pathways and collaborative ways to address issues such as homelessness.

As homelessness is impacted by a variety of forces, it requires a collaborative approach to solve. Homelessness occurs in varying degrees and ranges from temporary support needed between homes to generational homelessness that is complex and may take wider collaboration of services and resources to address.

Ultimately, ending homelessness in the Waratah-Wynyard community will depend on the provision of more affordable and secure housing.

Council have been working with federal and state bodies to bolster the number of social housing options in the region, as well as the release of new lots to the market to enable more access to affordable homes. This demonstrates Council's ongoing commitment to deliver new supply and advance access to affordable homes.

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Other measures, such as the application of planning policies and mechanisms is undertaken in order to increase the availability of affordable housing and land release in the Waratah-Wynyard municipality. Council have worked in the economic development space to stimulate the economy and bolster the future of our community.

Purpose built housing for those registered with the National Disability Insurance Scheme (NDIS) have been built in our municipality (including 6 Dwellings, Emily Crescent Somerset 2017).

Affordable housing, new builds listed below (Council data, retrieved June 2022)

WYNYARD

York Street – 2011: 15 Dwellings

Inglis Street – 2013: 28 Dwellings

Lockett Street – 2021: 13 Dwellings

Martin Street – 2022: 9 Dwellings

Phoenix Circuit – 2022: 36 Dwellings

Hogg Street – 2022: 59 Dwellings

SOMERSET

Emily Crescent - 2017: 6 Dwellings

Mackenzie Drive – 2021: 27 Dwellings

Athol Street – 2022: 16 Dwellings

Lyons Street – 2022 8 Dwellings

The Community Health and Well-Being Plan 2019-2014 (the Plan) is available on Council's Website at the following link:

[https://www.warwyn.tas.gov.au/wp-admin/admin-ajax.php?juwpfisadmin=false&action=wpfd&task=file.download&wpfd\\_category\\_id=30&wpfd\\_file\\_id=2399&token=&preview=1](https://www.warwyn.tas.gov.au/wp-admin/admin-ajax.php?juwpfisadmin=false&action=wpfd&task=file.download&wpfd_category_id=30&wpfd_file_id=2399&token=&preview=1)

With the impact of the global pandemic on jobs and housing prices in the local area some parts of the research may no longer be as accurate however the objectives and actions identified (outlined in the table below) ensure that Council continues to advocate in this space and actively seeks opportunities to offer useful support and work with developers and social housing providers to attract developments to meet the needs of the community.

Goal	Objectives	Actions	Indicator	Baseline		
5. Improving access to the basics	Ensure everyone enjoys security of tenure and high-quality housing.	Work with the property management sector (e.g. local real estate agencies) to ensure landlords are aware of, and complying with, guidelines for rental property amenity.	% households with rent payments greater than or equal to 30% of income (ABS Census)	5.4% CHC in 2016 9.4% WWC in 2016		
		Promote community awareness of renters' rights and tenancy law.				
		Assist owners and renters to 'winterise' their homes by sharing information on low-cost modifications.				
		Improve Council's understanding of local housing needs and shortfalls so it can respond to projected changes in demand.				
		Where appropriate, work with developers of multi-unit developments to negotiate developer contributions in the form of low-income housing.				
		Support and encourage a diverse range of social housing providers.				
	Ensure everyone enjoys high levels of nutrition and access to healthy, fresh food.	Share appropriate information about nutrition.	% people not consuming the recommended quantity of vegetables (DHHS Pop. Health Survey)	93.9% CHC in 2016 90.6% WWC in 2016		
		Establish community garden plots on available Council land to enable people to grow food and to produce surplus food that others can access at low- or no-cost.				
		Ensure all Council-run events are catered for with healthy foods, including minimal sugars and trans fats, e.g. by implementing a Healthy Catering Policy			% people not consuming the recommended quantity of fruit (DHHS Pop. Health Survey)	71.2% CHC in 2016 67.2% WWC in 2016
		Actively contribute to existing regional healthy eating initiatives and awareness-raising activities.				
Encourage businesses in the hospitality and tourism sector to provide healthy food options to their customers.						
Ensure cleaner air in wintertime	Build community awareness of cleaner air practices during winter by sharing the EPA 'Burn Brighter this Winter' community education campaign.	Mean particulate matter (PM <sub>2.5</sub> ) concentrations during winter (May-Aug) in major settlements (EPA data)	Smithton 6.9 µg m <sup>-3</sup> ; Wynyard 8.2 µg m <sup>-3</sup> in 2018 (Note: measurement stations are on town boundaries; local concentrations may be higher)			

### 5.3 PUBLIC QUESTIONS WITHOUT NOTICE

### 5.4 PUBLIC STATEMENTS RECEIVED IN WRITING

Nil received.

### 5.5 PUBLIC STATEMENTS WITHOUT NOTICE

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<b>6.0 PLANNING AUTHORITY ITEMS</b>
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**6.1 PUBLIC QUESTIONS WITHOUT NOTICE – RELATING TO PLANNING MATTERS**

Nil received.

**6.2 PUBLIC STATEMENTS - RELATING TO PLANNING MATTERS**

Nil received.

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### 6.3 NEW DWELLING (DEMOLISH EXISTING) AT 274 PORT ROAD, BOAT HARBOUR BEACH - DA 2/2022

To: Council  
Reporting Officer: Town Planner  
Responsible Officer: Manager Development and Regulatory Services  
Report Date: 30 May 2022  
File Reference: 7087487  
Supporting Documents: 1. Consolidated advertised documents   
2. Representation   
3. Signed extension of time 

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#### RECOMMENDATION

That Council, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Waratah-Wynyard Interim Planning Scheme 2013*, grant approval for a new dwelling and demolition of existing dwelling at 274 Port Road, Boat Harbour Beach subject to the following conditions: -

#### CONDITIONS:

1. The development is to be generally in accordance with the application as submitted and endorsed documents as listed:
  - (a) Proposal Plans with Drawing Numbers A05 Rev. 5, A09 Rev. 5, A15 Rev. 5, A17 Rev. 5 and A18 Rev. 5 as prepared by David Denman & Associates and dated 11 January 2022.
  - (b) Proposal Plans with Drawing Numbers A01 Rev. 6, A02 Rev. 6, A03 Rev. 6, A04 Rev. 6, A06 Rev. 6, A07 Rev. 6, A08 Rev. 6, A10 Rev. 6, A11 Rev. 2, A12 Rev. 6, A13 Rev. 6, A14 Rev. 6, A16 Rev. 6 and A19 Rev. 1 as prepared by David Denman & Associates and dated 13 April 2022.
2. The development is to be in accordance with the recommendation contained in the Geotechnical Investigation and Landslide Risk Assessment with Reference Number GL21550Ab as prepared by Tony Barriera of Geoton Pty Ltd and dated 22 October 2021.
3. All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.
4. In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
5. Loading and unloading of vehicles is to be confined to within the boundaries of the property.
6. Stormwater from the development is to be connected and discharged into Council's stormwater drainage network in accordance with Geotechnical Investigations & Land Risk assessment GL21550 AB, dated 22 October 2021 by Geoton Pty Ltd.

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**7. Control measures are to be installed for the duration of the demolition and construction so as to limit the loss of soils and other debris from the site.**

**Notes: -**

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

- An “Activity in Road Reservation” permit must be obtained from Council for all activity within the Road Reservation.
- This project must be substantially commenced within two years of the issue of this permit.
- The applicant is advised to consult with a building surveyor to ensure the development is constructed in accordance with *Building Act 2016*.
- This permit is based on information and particulars set out in Development Application DA 2/2022. Any variation requires an application for further planning approval of Council.
- This development/use is not to result in the generation of environmental harm or nuisance as defined in the *Environmental Management and Pollution Control Act 1994*.
- Attention is drawn to existing or proposed electricity infrastructure, please be sure to contact TasNetworks on 1300 137 008 to ensure these works do not impede on existing electricity easements and are at a safe distance from powerlines. Failure to do so could result in the relocation of electricity assets at your cost.
- Under Section 61 (4) of the *Land Use Planning and Approvals Act 1993*, the applicant has the right to lodge an appeal against Council’s decision. Notice of appeal should be lodged on the prescribed form together with the required fee within fourteen days after the date on which notice of the decision was served on that person, to the Resource Management and Planning Appeal Tribunal, G.P.O. Box 2036, Hobart, 7001. Updated Notices of Appeal are available on the Tribunal’s website at [www.rmpat.tas.gov.au](http://www.rmpat.tas.gov.au).

**PURPOSE**

The purpose of this report is for Council to consider the merits of the application DA 2/2022 against the requirements of the *Waratah-Wynyard Interim Planning Scheme 2013*.

**BACKGROUND**

The subject site is located at 274 Port Road, Boat Harbour Beach and has an area of 428m<sup>2</sup>. It is located within the Low Density Residential zone and has access onto Port Road. The site currently contains a single dwelling.

The adjoining titles to the north and south both contain single dwellings and associated domestic outbuilding development. Land to west across Port Road contains a public walkway. To the east is a coastal reserve administered by Crown Land Services and zoned Environmental Management.

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



**Figure 1: Subject site with zoning**

## DETAILS

The applicant is seeking approval for demolition of the existing dwelling on the site and construction of a new dwelling.

The proposed dwelling is split level with a maximum height of approximately 8m and site coverage of 215m<sup>2</sup>. The upper (street level) floor has an area of 11.7m<sup>2</sup> and comprises a double garage, laundry, bathroom, two bedrooms and hallway with stairs and lift. The lower (beach side) floor has an area of 97m<sup>2</sup> and comprises a main bedroom with walk-in-robe and ensuite, combined kitchen/dining/living area, half bath, subfloor storage area and east facing deck.

The dwelling is clad and roofed in a mix of Colorbond, stone, timber and glass. It abuts Port Road, the northern side boundary and the southern side boundary and is setback approximately 4.4m from the eastern rear boundary.

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

The subject property is zoned Low Density Residential under the Planning Scheme. The proposal is defined as a Residential Use Class. This is a Permitted use within the zone, should the application meet all the relevant Acceptable Solutions. The proposal does not comply with all the acceptable solutions. The applicant is applying for discretion under the following Clauses of the Planning Scheme:

- 12.4.1 Suitability of a site or lot for use or development (P1);



- 
- 12.4.2 Dwelling density (P1);
  - 12.4.3 Location and Configuration of Development (P1, P2, P3, P4);
  - 12.4.4 Visual and acoustic privacy for residential development (P1);
  - 12.4.6 Frontage fences (P1);
  - E6.5.2 Use likely to be exposed to a natural hazard (P1); and
  - E10.6.2 Development in a shoreline area (P1)

### **CONSULTATION PROCESS**

The consultation process was the public exhibition period set out in the *Land Use Planning and Approvals Act 1993* (LUPAA) and involved notification of adjoining landowners, public notices on-site and advertising in a daily newspaper. The application was placed on public exhibition for a period of 14 days as required under LUPAA. The following documentation was advertised:

- Development Application Form x 3 Pages
- Title Documents x 4 Pages
- Supporting report x 26 Pages
- Geotechnical Report x 43 Pages
- Proposal Plans x 20 pages

The period for representations closed on 16 May 2022. One (1) representation was subsequently received. A map demonstrating the relationship between the subject site and the representors' property is shown in Figure 2.



**Figure 2: Relationship between the subject site and the representors' property**

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

<b>Issues raised:</b>	<b>Response:</b>
<p>This representation is based on the discretion regarding the building envelope and visual and acoustic privacy. Primary concerns are based on privacy and overlooking, outlined as follows.</p> <p>The proposed window on the northern facade of the living room directly overlooks the outdoor area used by the owners of 276 Port Rd, especially around the existing landscaped landing and fire pit and will impact on the privacy of the potential use of the site. The proposed deck facing east, the northern external stairway running alongside the boundary fence and associated landings/deck also present overlooking issues compromising the privacy of this outdoor area and its future use.</p>	<p>Clause 8.10 of the Planning Scheme sets out the matters which Council must have regard to when determining applications. This includes the content of any representations received, but only insofar as the content relates to the particular discretions being exercised.</p> <p>Clause 12.4.4 of the Planning Scheme relates to privacy between dwellings. This clause is only applicable to doors and/or windows to habitable rooms and balconies/decks/car parks/carports with finished floor levels more than 1.0m above natural ground level.</p> <p>As outlined in the discussion under Clause 12.4.4, the only portions of the proposed dwelling which require assessment against Performance Criteria P1 for this Clause are</p>

	<p>the south facing window to Bedroom 2 on the upper floor and adjacent balcony.</p> <p>The northern elevation of the dwelling, facing 276 Port Road, complies with the Acceptable Solution A1 for this Clause.</p> <p>The existing courtyard is paved area at ground level and does not require assessment against either A1 or P1 for this standard. The entirety of the upper floor is more than 3m from the northern boundary and complies with A1(a)(ii). The steps and small landing adjacent to the northern boundary of the site are a transitory space and are not intended to be occupied for extended periods of time. However, even if a conservative approach is taken and this section is assessed against Clause 12.4.4, compliance with A1(b)(i) is achieved as the area is suitably offset from windows in the southern elevation of the adjoining dwelling to the north at 276 Port Road. The main lower level deck also complies with A1(b)(i) for the northern side boundary as does the main northern facing window to the combined kitchen/dining/living area. The other north facing window has a sill height of approximately 1.8m above ground level, compliant with A1(b)(ii).</p> <p>Overlooking of an adjoining property's backyard/ground level garden is not a relevant consideration for Council as a Planning Authority.</p> <p>The proposed dwelling does extend beyond the permitted building envelope for the boundary shared with the representors' property. However, as demonstrated below in Figure 5 the protruding portions are limited to small portions of the lower level roof which, due to the apparent migration of the sun across the sky throughout the day, will not overshadow 276 Port Road at any point.</p>
<p>We are presently in the process of preparing a development application for our client's property which will be lodged in the coming months. As our client's neighbour at 274 Port Road is further ahead in the design process, they had not yet seen our client's proposal and therefore were not aware of the full potential impact their proposal had on the proposed development of 276 Port Road.</p>	<p>Statement noted.</p> <p>Council as a Planning Authority is required to assess applications as they are submitted and within the context of the existing built form in the area. The potential impact of the proposal on an application which has yet to be submitted to Council is not a matter for Council's consideration. Any future development application for 276 Port Road</p>

<p>Preliminary informal discussions with the owners of both properties are currently occurring and it is likely a mutually agreed outcome will be reached. However, as the outcomes of these discussions have not yet been formalised, we still wish to maintain our right of reply.</p>	<p>will need to be the subject of a separate assessment process.</p>
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**Engineering Services Department**

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

- (1) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.
- (2) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
- (3) Loading and un-loading of vehicles is to be confined to within the boundaries of the property.
- (4) Stormwater from the development is to be connected and discharged into Council’s stormwater drainage network in accordance with Geotechnical Investigations & Land Risk assessment GL21550 AB, dated 22 October 2021 by Geoton Pty Ltd.

Note: A “Works within the Road Reservation” permit must be obtained from Council for all activity within the Road Reservation.

**Environmental Health**

The following environmental health conditions were recommended.

- (1) Control measures are to be installed for the duration of the construction phase so as to limit the loss of soils and other debris from the site.

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

**EXTERNAL REFERRALS**

The proposal did not require any external referrals.

**PLANNING ASSESSMENT**

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

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

An assessment of the proposal against the applicable clauses for the Low-Density Residential Zone and relevant Codes is provided below.

#### 12.4.1 Suitability of a site or lot for use or development

<p><b>A1</b></p> <p>A site or each lot on a plan of subdivision must –</p> <ul style="list-style-type: none"> <li>(a) have an area of - <ul style="list-style-type: none"> <li>(i) not less than 500m<sup>2</sup> excluding any access strip; or</li> <li>(ii) if in a locality shown in the Table to this clause, not less than the site area shown for that locality; and</li> </ul> </li> <li>(b) contain a building area of not less than 10.0m x 15.0m <ul style="list-style-type: none"> <li>(i) clear of any applicable setback from a frontage, side or rear boundary;</li> <li>(ii) clear of any applicable setback from a zone boundary;</li> <li>(iii) clear of any registered easement;</li> <li>(iv) clear of any registered right of way benefitting other land;</li> <li>(v) clear of any restriction imposed by a utility;</li> <li>(vi) not including an access strip;</li> <li>(vii) accessible from a frontage or access strip; and</li> <li>(viii) if a new residential lot, with a long axis within the range 30° east of north and 20° west of north</li> </ul> </li> </ul>	<p><b>P1</b></p> <p>A site or each lot on a plan of subdivision must -</p> <ul style="list-style-type: none"> <li>(a) be of sufficient area for the intended use or development without likely constraint or interference for – <ul style="list-style-type: none"> <li>(i) erection of a building if required by the intended use;</li> <li>(ii) access to the site;</li> <li>(iii) use or development of adjacent land;</li> <li>(iv) a utility; and</li> <li>(v) any easement or lawful entitlement for access to other land; and</li> </ul> </li> <li>(b) if a new residential lot, be orientated to maximise opportunity for solar access to a building area</li> </ul>
<p><b>Planning Comments:</b> Complies</p> <p>The minimum lot size in the Low Density Residential zone is 500m<sup>2</sup>. The subject site comprises 428m<sup>2</sup>. The proposal requires assessment against Performance Criteria P1 for this Clause.</p> <p>The subject site contains an existing dwelling which is to be demolished to make way for a new dwelling.</p> <p>The site does not contain any registered right of way, burdening easement or restriction imposed by a utility and has frontage onto Port Road of 17.14m. No changes are proposed for the location of the existing access or existing connections to reticulated sewerage, water and stormwater infrastructure.</p> <p>Regarding adjacent land, the adjoining lots to the north and south and to the west across Port Road have already been developed for residential use. They comprise a mix of single and multiple dwellings and associated outbuilding development.</p>	

The subject site adjoins a Crown Land administered public reserve to the east. The land is unlikely to be developed for anything other than its current purpose, which is a publicly accessible coastal reserve.

The subject site is adjoined by public land or established residential uses and the proposal is for a single dwelling. There will be minimal impact, if any, on the development potential of adjoining land.

The proposal satisfies P1 for this Standard.

#### 12.4.2 Dwelling Density

<p><b>A1</b></p> <p>The site area per dwelling must –</p> <p>(a) be not less than 500m<sup>2</sup> if the site has –</p> <p>(i) connection to a reticulated water supply;</p> <p>(ii) connection to a reticulated sewer system; and</p> <p>(iii) connection to a stormwater system; or</p> <p>(b) if the site is in a locality shown in the Table to this Clause, not less than the site area for that locality.</p>	<p><b>P1</b></p> <p>The number of dwellings on a site must be consistent with the capability of the land for residential use in terms of –</p> <p>(a) a suitable building area;</p> <p>(b) access from a road;</p> <p>(c) provision of a water supply;</p> <p>(d) disposal of sewage;</p> <p>(e) disposal of stormwater; and</p> <p>(f) a tolerable level of risk from a natural hazard.</p>
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**Planning Comments:** Complies

The minimum lot size in the Low Density Residential zone is 500m<sup>2</sup>. The subject site comprises 428m<sup>2</sup>. The proposal requires assessment against Performance Criteria P1 for this Clause.

The subject site contains an existing dwelling which is to be demolished to make way for a new dwelling. There will be no change to the existing dwelling density.

The subject site is located in an area serviced by Council's stormwater and TasWater's reticulated sewerage infrastructure. Water is via a private connection. The site is located in an area subject to landslip, however a geotechnical report was submitted with the application confirming that a tolerable level of risk can be achieved for the proposed development.

Existing arrangements for water supply and connections to reticulated sewerage and stormwater infrastructure are to be retained. Access onto Port Road will remain in the south-western corner of the lot.

It is considered that the subject site is of sufficient size to cater for a single residential use and satisfies P1 for this Standard.

#### 12.4.3 Location and configuration of development

<p><b>A1</b></p> <p>The wall of a building must be setback from a frontage –</p> <p>(a) not less than 4.5m from a primary frontage; and</p> <p>(b) not less than 3.0m from any secondary frontage; or</p>	<p><b>P1</b></p> <p>The setback of a wall of a building from a frontage must be –</p> <p>(a) consistent with the streetscape; and</p> <p>(b) required by a constraint imposed by –</p> <p>(i) size and shape of the site;</p>
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<p>(c) not less than and not more than the setbacks for any existing building on each of the immediate adjoining sites;</p> <p>(d) not less than for any building retained on the site;</p> <p>(e) in accordance with any building area shown on a sealed plan; or</p> <p>(f) if the site abuts a road shown in the Table to this Clause, the setback specified for that road.</p>	<p>(ii) orientation and topography of land;</p> <p>(iii) arrangements for a water supply and for the drainage and disposal of sewage and stormwater;</p> <p>(iv) arrangements for vehicular or pedestrian access;</p> <p>(v) any requirement of a conservation or urban design outcome detailed in a provision in this planning scheme;</p> <p>(vi) a utility; or</p> <p>(vii) any lawful and binding requirement –</p> <p>a. by the State or a council or by an entity owned or regulated by the State or a council to acquire or occupy part of the site; or</p> <p>b. an interest protected at law by an easement or other regulation</p>
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**Planning Comments:** Complies

The proposal is for the demolition and replacement of a single dwelling. The setback of the proposed dwelling from Port Road varies from approximately 0m to 1m. Assessment against Performance Criteria P1 is therefore required.

The existing dwelling, which is to be demolished, is setback approximately 0.4 to 2m from the frontage. The existing dwellings on adjoining properties to the north, at 276 Port Road, and south, at 272 Port Road, are also located within 1m of their respective frontages. The setback of the proposed dwelling is largely consistent with the streetscape.

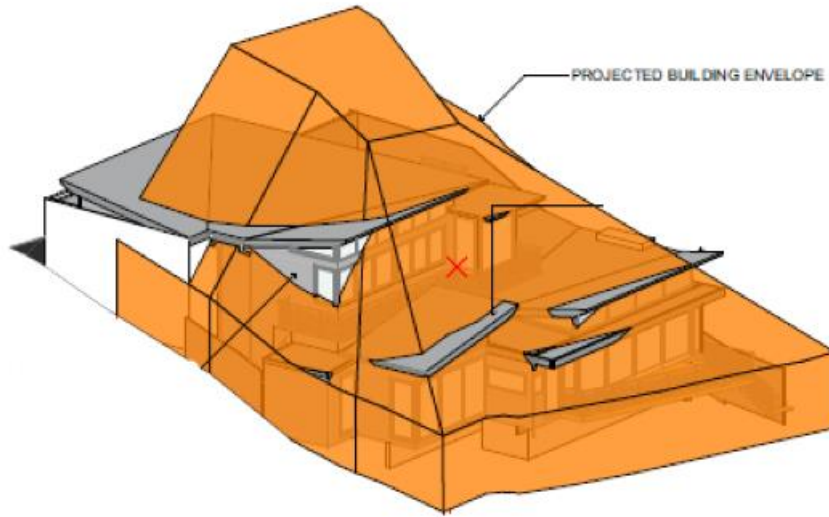
The new dwelling’s proximity to Port Road is also informed by the topography of the site, which slopes steeply away from the road and is subject to varying degrees of landslip risk. The building has been located on the most secure portion of the site and away from the sandy soils of the coastal reserve to the east.

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

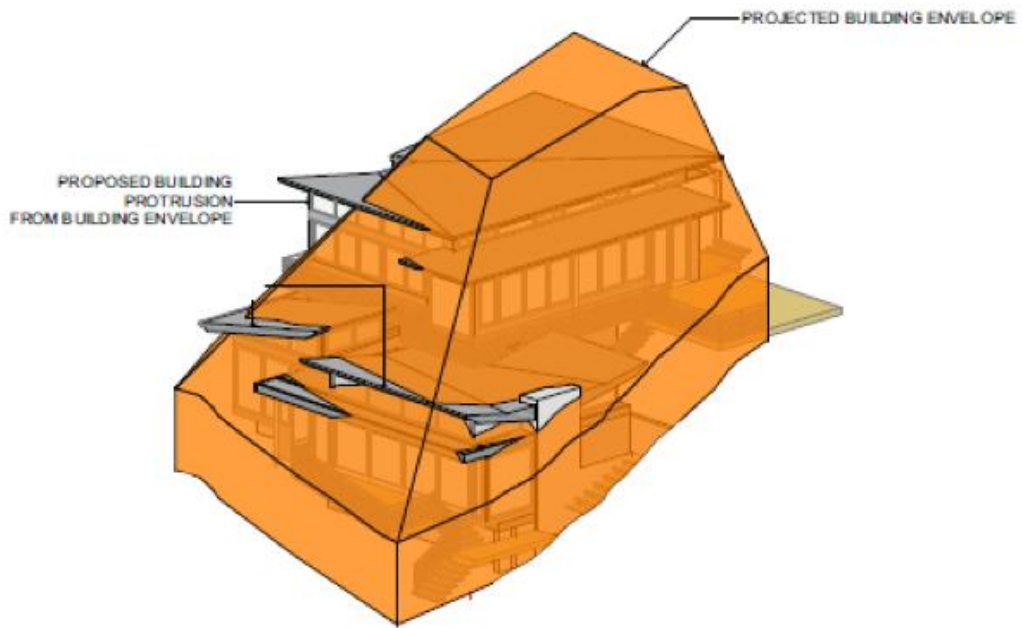
<p><b>A2</b></p> <p>All buildings must be contained within a building envelope determined by</p> <p>(a) the applicable frontage setback;</p> <p>(b) if the site is in a locality shown in the Table to this Clause, not less than the setback distance specific from the feature specified;</p> <p>(c) projecting a line at an angle of 45° from the horizontal at a height of 3.0m above natural ground level at each side boundary and at a distance of 4.0m from the rear boundary to a building height of not more than</p>	<p><b>P2</b></p> <p>Building height and location of a building in relation to a frontage and site boundaries must</p> <p>(a) minimise likelihood for overshadowing of a habitable room or a required minimum area of private open space in any adjacent dwelling;</p> <p>(b) minimise the apparent scale, bulk, massing and proportion relative to any adjacent building;</p> <p>(c) be consistent with the streetscape;</p>
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<p>8.5m above natural ground level if walls are setback</p> <p>(i) not less than 1.5m from each side boundary; or</p> <p>(ii) less than 1.5m from a side boundary if wall height is not more than 3.0m; and –</p> <p>a. built against an existing wall of an adjoining building; or</p> <p>b. the wall or walls</p> <p>i. have the lesser of a total length of 9.0m or one third of the boundary with the adjoining land;</p> <p>ii. there is no door or window in the wall of the building; and</p> <p>iii. overshadowing does not result in</p> <p>a. less than 2 hours of continuous sunlight to a required minimum private open space area in an adjacent dwelling between 9.00am and 3.00pm on 21<sup>st</sup> June; or</p> <p>b. a further reduction in continuous sunlight to a required minimum private open space area in an adjacent dwelling if already less than 2 hours between 9.00am and 3.00pm on 21<sup>st</sup> June; or</p> <p>(d) in accordance with any building envelope shown on a sealed plan</p>	<p>(d) respond to the effect of the slope and orientation of the site; and</p> <p>(e) provide separation between buildings to attenuate impact</p>
<p><b>Planning Comments:</b> Complies</p> <p>The proposal is for the demolition and replacement of a single dwelling. The proposed dwelling is split level with a maximum height of approximately 8m. It abuts Port Road, the northern side boundary and the southern side boundary and is setback approximately 4.4m from the eastern rear boundary.</p> <p>The dwelling protrudes beyond the permitted building envelope in relation to all boundaries. It is also located within 6m of a reserve under the Crown Lands Act 1976. Assessment against Performance Criteria P2 is therefore required.</p> <p>The portions of the proposed dwelling which do not comply with the permitted building envelope are shown below in Figures 3 - 5.</p>	

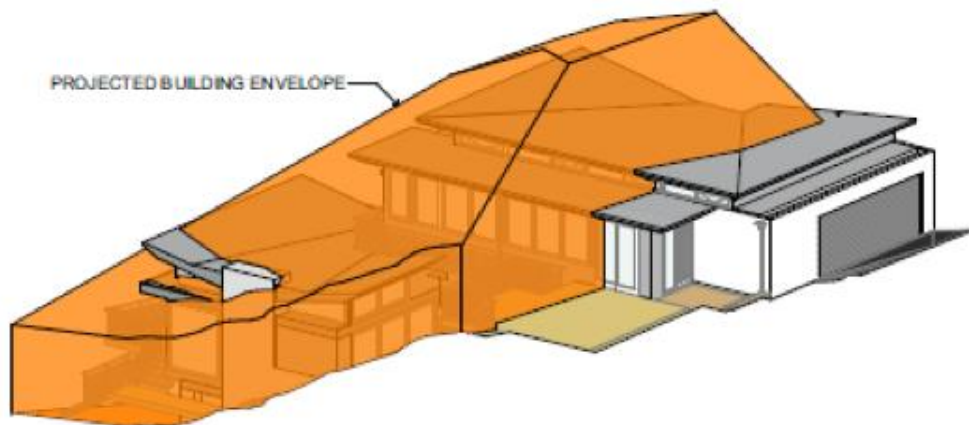




**Figure 3: Southern-eastern building envelope**



**Figure 4: Southern-western building envelope**



**Figure 5: North-west building envelope**

To the west, the subject site fronts Port Road. To the east, the subject site adjoins a public reserve managed by Crown Land Services. The proposal will not affect residential amenity in either of these directions.

The adjoining lot to the north, 276 Port Road, contains a single, split level dwelling which is setback 3.3m from the common boundary shared with the subject site and approximately 4.5m from the proposed dwelling. No shade will be cast onto this property by the proposed dwelling.

The adjoining lot to the south, 272 Port Road, also contains a single two storey dwelling. Due to the apparent migration of the sun across the sky throughout the day, some shade will be cast onto the lot to south. However, the portion of dwelling at 272 Port Road closest to the subject site contains a carport and the northern elevation facing the subject site contains only a highlight window. The main living space for this dwelling is located to the south of 272 Port Road and away from the subject site, with windows facing directly east overlooking the beach. The first floor deck and open space area beneath it are setback at least 5m from the proposed dwelling and will not be overshadowed during the morning or early afternoon.

Regarding the visual impact on the lot to the north, due to the slope of the site the building is single storey at most points, with the highest point setback at least 9.5m from the dwelling at 276 Port Road. The articulated design and use of contrasting cladding materials help to mitigate the bulk and appearance of the proposed dwelling when viewed from adjoining land at both 276 and 272 Port Road.

The proposed dwelling is separated from buildings on adjoining lots by a minimum distance of approximately 0.2m for the proposed garage from the existing carport at 272 Port Road, or 3m in the case of habitable rooms/areas. This is consistent with separation between buildings in the area, which varies from less than 1m to 9m.

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

**A3**

Site coverage must –

- (a) not be more than 50%; or
- (b) if the site is in a locality shown in the Table to this Clause, not more than the site coverage for that locality; and

**P3**

Site coverage must –

- (a) provide a usable area for private open space, landscaping, and vehicle parking and service activity;

<p>(c) not include any part of a site required for the disposal of sewage or stormwater; or</p> <p>(d) be not more than any building area shown on a sealed plan</p>	<p>(b) retain capacity in any area required for disposal of sewage or stormwater; and</p> <p>(c) be consistent with the streetscape</p>
<p><b>Planning Comments: Complies</b></p> <p>The subject site comprises 428m<sup>2</sup> and the proposed development has a building footprint of approximately 215m<sup>2</sup>. Total site coverage is approximately 50.2%.</p> <p>According to Table 12.4.3 A3, the maximum permitted site coverage for the locality of Boat Harbour Beach is 30%. Assessment against Performance Criteria P3 is required.</p> <p>Private open space areas for the site include an existing courtyard in the north-western portion of the site as well as a deck on the lower level which facilitates access to the grassed backyard with views over the coastal reserve.</p> <p>The subject site is located in an area serviced by Council's stormwater and TasWater's reticulated sewerage infrastructure and water is via a private main. Existing arrangements for water supply and disposal of waste are to be retained. Stormwater runoff from the proposed development is to be directed to the existing stormwater connection within the property. Access onto Port Road will remain in the south-western corner of the lot.</p> <p>Site coverage on other lots along Port Road varies from approximately 23% to over 60%. Development on lots at 256, 260, 268, 272 and 279 Port Road all exceed the permitted site coverage for Boat Harbour Beach.</p> <p>In this manner, the proposal satisfies P3 for this Standard.</p>	
<p><b>A4</b></p> <p>A garage, carport or an external car parking area and any area for the display, handling, or storage of goods, materials or waste, must be located behind the primary frontage of a building</p>	<p><b>P4</b></p> <p>A garage, carport or an external car parking area and any area for the display, handling, or storage of goods, materials or waste, must –</p> <p>(a) not dominate the architectural or visual frontage of the site;</p> <p>(b) be consistent with the streetscape;</p> <p>(c) be required by a constraint imposed by size, shape, slope, orientation, and topography on development of the site; and</p> <p>(d) provide durable physical screening to attenuate appearance of the parking or loading area from a frontage and adjacent land</p>
<p><b>Planning Comments: Complies</b></p> <p>The proposal is for the demolition and replacement of a single dwelling with a new single dwelling. The proposed dwelling includes a double garage on the upper level, flush with the western elevation of the dwelling and abutting Port Road. Assessment against Performance Criteria P4 is therefore required.</p>	

The site currently contains a carport located in front of the primary elevation of the existing dwelling, which is to be demolished. Both of the adjoining properties to the north and south contain covered parking areas less than 1m from Port Road. The location of the proposed garage is consistent with the streetscape.

Due to the steep topography of the site, the maximum slope limits vehicle parking areas and the garage must be located on the flattest portion of the site, near Port Road. Vehicles parked in the garage will be hidden from view by the garage door, which is made of contrasting material to the façade of the garage and does not appear as a solid wall.

The proposal satisfies P4 for this Standard.

#### 12.4.4 Visual and acoustic privacy for residential development

<b>A1</b>	<b>P1</b>
<p>A door or window to a habitable room, or any part of a balcony, deck, roof garden, parking space or carport of a building must –</p> <p>(a) if the finished floor level is more than 1.0m above natural ground level -</p> <ul style="list-style-type: none"> <li>(i) be not less than 6.0m from any door, window, balcony, deck, or roof garden in a dwelling on the same site;</li> <li>(ii) be not less than 3.0m from a side boundary;</li> <li>(iii) be not less than 4.0m from a rear boundary; and</li> <li>(iv) if an internal lot, be not less than 4.5m from the boundary abutting a rear boundary of an adjacent frontage site;</li> </ul> <p>(b) if less than the setbacks in clause A1(a) -</p> <ul style="list-style-type: none"> <li>(i) be off-set by not less than 1.5m from the edge of any door or window in another dwelling;</li> <li>(ii) have a window sill height of not less than 1.8m above finished floor level;</li> <li>(iii) have fixed and durable glazing or screening with a uniform transparency of not more than 25% in that part of a door or window less than 1.7m above finished floor level; or</li> <li>(iv) have fixed and durable external screen other than vegetation of not less than 1.8m height above the finished floor level and with a uniform transparency of not more than 25% located for the full width of the door, window, balcony, deck, roof garden, parking space, or carport</li> </ul>	<p>Likelihood for overlooking from a door or window in a habitable room or from any part of a balcony, deck, roof garden, parking space, or carport of a building must be minimised by –</p> <ul style="list-style-type: none"> <li>(a) physical separation from the door, window balcony, deck, or roof garden in an adjacent dwelling;</li> <li>(b) off-set from a door or window to a habitable room in an adjacent dwelling;</li> <li>(c) effective use of screening other than vegetation; or</li> <li>(d) effect of topography and natural features</li> </ul>

**Planning Comments:** Complies

The proposal complies with A1(a)(iii) for this Clause for the eastern boundary, as the setback exceeds 4m and there are no dwellings directly east of the subject site.

Regarding the northern side boundary, the existing courtyard is a paved area at ground level and does not require assessment against either A1 or P1 for this standard. The entirety of the upper floor is more than 3m from the northern boundary and complies with A1(a)(ii).

The steps and small landing adjacent to the northern boundary of the site are a transitory space and are not intended to be occupied for extended periods of time. However, even if a conservative approach is taken and this section is assessed against this Clause compliance with A1(b)(i) is achieved as the area is suitably offset from windows in the southern elevation of the adjoining dwelling to the north at 276 Port Road. The main lower level deck also complies with A1(b)(i) for the northern side boundary as does the main northern facing window to the combined kitchen/dining/living area. The other north facing window has a sill height of approximately 1.8m above ground level, compliant with A1(b)(ii).

For the southern side boundary, the proposed garage adjoins the carport of the adjoining dwelling at 272 Port Road and is offset by at least 1.5m from windows in the northern elevation of the building. The only portions of the proposed dwelling which require assessment against Performance Criteria P1 for this Clause are the south facing window to Bedroom 2 on the upper floor and the adjacent balcony.

The window directly opposite of this area in the northern elevation of 272 Port Road is a small highlight window and will provide minimal opportunity for occupants of the proposed dwelling to overlook the adjoining site. The main windows for the dwelling face directly east over the coastal reserve, ensuring privacy from the adjacent dwelling. The second storey deck for 272 Port Road is setback at least 5.5m from the common boundary shared with the subject site, which has its main living space and private open space area (deck) located at ground level at a lower elevation than adjoining dwellings and orientated eastward over the coastal reserve.

The proposal satisfies P1 for this Standard.

**12.4.6 Frontage fences**

**A1**

The height of a fence, including any supporting retaining wall, on a frontage or within a frontage setback must be –

- (a) not more than 1.2m if the fence is solid; or
- (b) not more than 1.8m provided that part of the fence above 1.2m has openings that provide a uniform transparency of not less than 30%.

**P1**

The height of a fence on a frontage or within a frontage setback must be reasonably required for the security and privacy of the site

**Planning Comments:** Complies

The proposal includes a 1.8m high solid fence along the boundary facing Port Road, from the edge of the garage to the northern boundary. Assessment against Performance Criteria P1 is therefore required.

The fence is required to provide adequate privacy for the existing courtyard adjacent to the frontage and to mitigate traffic noise. It also provides a physical barrier for vehicle traffic along the street. The size and height of the fence is consistent with frontage fences for the adjoining

properties at 272 and 276 Port Road. Both of these contain solid fencing exceeding 1.2m in height.

The proposal satisfies P1 for this Standard.

**E6.5.2 Use likely to be exposed to a natural hazard**

<p><b>A1</b></p> <p>If a use is on land within an area of risk from exposure to a natural hazard as shown on a map forming part of this planning scheme -</p> <p>(a) use must not be for a critical use, a hazardous use, or a vulnerable use;</p> <p>(b) use must not be residential use if the level of risk is medium or higher; and</p> <p>(c) a hazard risk assessment must demonstrate a tolerable level of risk can be achieved and maintained for the nature and duration of the use</p>	<p><b>P1</b></p> <p>If use is on land within an area of risk from exposure to a natural hazard as shown on a map forming part of this planning scheme -</p> <p>(a) a hazard risk assessment must demonstrate a tolerable level of risk can be achieved and maintained for the nature and duration of the use; and</p> <p>(b) if a critical use, a hazardous use, or a vulnerable use, a cost-benefit analysis in economic, environmental, and social terms must establish there is a significant benefit to the community and there is no alternate site</p>
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**Planning Comments:** Complies

The proposal is for the demolition and replacement of a single dwelling in an area subject to a medium risk of landslip. A Geotechnical Report prepared by Mr Tony Barriera of Geoton Pty Ltd was submitted with the application. Mr Barriera is a suitably qualified person to prepare a hazard risk assessment.

The assessment states that a tolerable level of risk can be achieved for the proposed development provided the recommendations contained in the report from Geoton Pty Ltd are followed. A condition will be included on any permit issued as follows:

- The development is to be in accordance with the recommendation contained in the Geotechnical Investigation and Landslide Risk Assessment with Reference Number GL21550Ab as prepared by Tony Barriera of Geoton Pty Ltd and dated 22 October 2021.

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

**E10.6.2 Development in a shoreline area**

<p><b>A1</b></p> <p>There is not acceptable solution.</p>	<p><b>P1</b></p> <p>Development must –</p> <p>(a) be required to locate in, over, on or under the shoreline, sea or tidal waters for operational efficiency;</p> <p>(b) avoid unreasonably or unnecessarily impact on existing or potential access by the public to shoreline land or waters;</p> <p>(c) minimise impact on scenic quality of the sea-shore area;</p>
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	<p>(d) minimise impact on amenity or aesthetic appearance of the sea-shore area as a result of -</p> <ul style="list-style-type: none"> <li>(i) nature and operational characteristics of the development;</li> <li>(ii) location;</li> <li>(iii) bulk, size, and overall built form of any building or work;</li> <li>(iv) overshadowing; or</li> <li>(v) obstruction of views from a public place; and</li> </ul> <p>(e) minimise immediate or cumulative adverse effect for -</p> <ul style="list-style-type: none"> <li>(i) tidal, wave, current, or sediment movement processes;</li> <li>(ii) coastal landforms, seabed, and other geomorphic features, including sand dunes and mobile landforms;</li> <li>(iii) vulnerability to erosion and recession;</li> <li>(iv) natural cycles of deposition and erosion;</li> <li>(v) conservation of biodiversity and marine habitat, including during critical lifecycle stages of individual and migratory species;</li> <li>(vi) drainage from a water course, wetland, ground water, flood, stormwater, or tidal water;</li> <li>(vii) coastal water quality;</li> <li>(viii) likely interference or constraint on use of public areas;</li> <li>(ix) any scientific, architectural, aesthetic, historic or special cultural value;</li> <li>(x) exposure to or increased risk from a natural hazard, including sea level rise, storm surge, or inundation as a result of climate change;</li> <li>(xi) coastal protection and rehabilitation works required to address erosion, instability, regression, or inundation;</li> </ul>
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	<p>(xii) collection, treatment, and disposal of waste, including bilge waters and excavated or dredged sediment;</p> <p>(xiii) economic activity dependent for operational efficiency on a sea-shore location;</p> <p>(xiv) public safety and emergency services;</p> <p>(xv) marine navigation and communication systems;</p> <p>(xvi) safety of recreational boating; and</p> <p>(xvii) be consistent with the current edition of Tasmanian Coastal Works Manual DPIWE 2011.</p>
<p><b>Planning Comments:</b> Complies</p> <p>The proposal is for the demolition and replacement of a single dwelling. The subject site adjoins a coastal reserve to the east and a small portion of the proposed development is within 30m of the mean high water mark (MHW). The proposal therefore requires assessment against the Performance Criteria for this Clause.</p> <p>The location of the proposed dwelling has been guided by the landslip risk present on the site and recommendations in the hazard risk report, including constructing the dwelling across two levels, and sloping with the site in order to minimise the extent of cut and fill on the site. The majority of the proposed dwelling is located further than 30m from the MHW. No buildings are to be located in, over, on or under the shoreline.</p> <p>There are a number of public access points to the beach from Port Road, none of which are adjacent to the subject site. The proposed dwelling will have no impact on public access to either the coastal reserve, the beach or ocean.</p> <p>The proposal is unlikely to significantly alter the appearance of the shoreline area. The lower side of Port Road and further south along Fenton Crescent is dominated by residential lots containing dwellings which feature prominently on the beach.</p> <p>The proposal is a replacement of a single dwelling with another single dwelling and will not further intensify development within 30m of the MHW or further constrain use of the coastal reserve. The subject site is not identified as containing any threatened flora or fauna or other significant natural values and it is not utilised for drainage or waste management purposes. It is not of any significant economic value and is not used by emergency services, for marine navigation/communication or for recreational boating.</p> <p>No changes to existing coastal water quality are expected as a result of the proposed development. Stormwater is to be piped into the existing stormwater connection. Construction of a building approximately 22m from the MHW is considered unlikely to have any significant adverse effect on tidal, wave, current, or sediment movement processes, coastal landforms, the seabed, or other geomorphic features. The location of the proposed works are located on an established residential site that does not form part of any active management area for coastal erosion, recession or inundation.</p> <p>It is recommended that the following condition be included on any permit issued:</p> <p><i>Control measures are to be installed for the duration of the demolition and construction so as to limit the loss of soils and other debris from the site.</i></p>	



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In this manner, the proposal satisfies P1 for this Standard.
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The proposal meets the Acceptable Solution for all other applicable Standards of the Low Density Residential zone provisions and relevant Codes.

### **STATUTORY IMPLICATIONS**

#### *Land Use Planning and Approvals Act 1993*

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

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

### **STRATEGIC IMPLICATIONS**

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

### **POLICY IMPLICATIONS**

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

### **ENVIRONMENTAL IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

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

### **RISK IMPLICATIONS**

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

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

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

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

### **CONCLUSION**

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

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It is considered that the proposed demolition of a dwelling and construction of a new dwelling complies with either the acceptable solution or satisfies the performance criteria for all applicable standards of the Planning Scheme. The dwelling design responds to the slope of the site to mitigate impact on adjacent properties and the shoreline, and appropriately manage potential landslip risk. The new dwelling is similar to the established pattern of development on the southern side of Port Road and further south along Fenton Crescent.

The application is considered to comply with the provisions of the Low Density Residential Zone, Hazard Management Code and Water and Waterways Code for the *Waratah-Wynyard Interim Planning Scheme 2013*. It is therefore recommended that Council approve a planning permit for the proposed dwelling extension.

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#### 6.4 SUBDIVISION (2 INTO 2 LOTS) AT 13 & 21 TABLE CAPE ROAD WYNYARD - SD2149

To: Council  
Reporting Officer: Town Planner  
Responsible Officer: Manager Development and Regulatory Services  
Report Date: 31 May 2022  
File Reference: 1888785 & 7083582  
Supporting Documents: 1. Consolidated advertised documents   
2. Representation 

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#### RECOMMENDATION

That Council, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Waratah-Wynyard Interim Planning Scheme 2013*, grant approval for a Subdivision (2 into 2 lots) at 13 and 21 Table Cape Road, Wynyard subject to the following conditions: -

#### CONDITIONS:

1. The development is to be generally in accordance with the application as submitted and endorsed documents as listed:
  - (a) Proposal Plan with Project Number 22002 and Drawing Number SD02 as prepared by EnviroPlan and dated 25 March 2022.
2. The development is to be in accordance with the submitted Bushfire Hazard Management Plan as prepared by Micheal Wells of EnviroPlan and dated 9 March 2022.
3. Loading and un-loading of vehicles is to be confined to within the boundaries of the property.
4. All costs associated with the proposed development, including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.
5. In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
6. Stormwater from the development is to be fully contained within the respective boundaries of each lot.
7. A revised site plan demonstrating that the existing on-site wastewater management systems, including reserve areas, for 13 and 21 Table Cape Road will be wholly contained within the new title boundaries is to be submitted to Council prior to lodgement of a Final Survey Plan.
8. A Final Survey Plan submitted for sealing by the Council is to show all easements required for powerlines, sewerage, water, drainage purposes and legal access.

#### Notes: -

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

- 
- An “Activity in Road Reservation” permit must be obtained from Council for all activity within the Road Reservation.
  - This project must be substantially commenced within two years of the issue of this permit.
  - This permit is based on information and particulars set out in Development Application SD 2149. Any variation requires an application for further planning approval of Council.
  - This development/use is not to result in the generation of environmental harm or nuisance as defined in the *Environmental Management and Pollution Control Act 1994*.
  - Attention is drawn to existing or proposed electricity infrastructure, please be sure to contact TasNetworks on 1300 137 008 to ensure these works do not impede on existing electricity easements and are at a safe distance from powerlines. Failure to do so could result in the relocation of electricity assets at your cost.
  - A further fee is required for the signing and sealing of Final and Strata Plans. Please refer to Council’s website for current Planning fees.
  - Under Section 61(4) of the *Land Use Planning and Approvals Act 1993*, the applicant has the right to lodge an appeal against Council’s decision. Notice of appeal should be lodged on the prescribed form together with the required fee within fourteen days after the date on which notice of the decision was served on that person, to the Resource Management and Planning Appeal Tribunal, G.P.O. Box 2036, Hobart, 7001. Updated Notices of Appeal are available on the Tribunal’s website at [www.rmpat.tas.gov.au](http://www.rmpat.tas.gov.au)

## **PURPOSE**

The purpose of this report is for Council to consider the merits of Development Application SD2149 against the requirements of the *Waratah-Wynyard Interim Planning Scheme 2013*.

## **BACKGROUND**

The subject site comprises two titles, 13 Table Cape Road (CT 130083/4) and 21 Table Cape Road (CT 249062/1). The site and adjoining lots to the north, west and south are located within the Rural Resource zone. The property at 13 Table Cape Road comprises 1.55ha and contains a single dwelling and outbuilding. The remainder of the lot contains grassed areas and a driveway which also services the grazing land to the west and north-west (CT 130083/1, CT 130083/2 and CT 130083/3). These properties form part of the properties owned by the same persons as 13 Table Cape Road, however no formal right of way or registered easement over the driveway for 13 Table Cape Road exists.

The property at 21 Table Cape Road comprises 2.9ha and contains a single dwelling, associated outbuildings and land used for grazing.

The adjoining property to the south, 1 Table Cape Road, contains visitor accommodation in the form of a bed and breakfast establishment. To the east across Table Cape Road is a small cluster of Low Density Residential zoned lots comprising a mix of vacant residential lots and single dwellings with associated outbuilding development. Portions of a large farming lot, 32 Table Cape Road, are also located directly east of the site.

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



Figure 1: Subject site with zoning

## DETAILS

The applicant is seeking approval for the reconfiguration of the boundary between 13 Table Cape Road (CT 130083/4) and 21 Table Cape Road (CT 249062/1). It is proposed to subdivide approximately 5803m<sup>2</sup> from 13 Table Cape Road and transfer it to 21 Table Cape Road to create two lots of 8943m<sup>2</sup> and 3.47ha respectively.

Proposed Lot 1 contains a single dwelling and outbuilding. It has frontage onto Table Cape Road of approximately 77m. Existing development on the lot is setback 12m from the new northern boundary. Proposed Lot 2 contains a single dwelling, associated outbuildings and land used for grazing. It has frontage onto Table Cape Road of approximately 262m. Existing development on the site is setback at least 40m from the proposed southern title boundary.

This report assesses the proposal against the *Waratah-Wynyard Interim Planning Scheme 2013* (the Planning Scheme) and takes into account any representations received during the public exhibition period. The subject property is zoned Rural Resource under the Planning Scheme. The proposal is defined as being within the Residential and Resource Development use classes, which are permitted and No Permit Required use classes within the zone. The applicant is applying for discretion under the following clauses: -

- Suitability of a site or lot on a plan of subdivision for use or development (26.4.1 P1); and
- Subdivision (26.4.4 P1).

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## CONSULTATION PROCESS

The consultation process was the public exhibition period set out in the *Land Use Planning and Approvals Act 1993* (LUPAA) and involved notification of adjoining landowners, public notices on-site and advertising in a daily newspaper. The application was placed on public exhibition for a period of 14 days as required under LUPAA. The following documentation was advertised:

- Development application form x 3 Pages;
- Title documents x 4 Pages;
- Supporting report x 14 Pages;
- Plan of subdivision x 2 Pages;
- Bushfire hazard management report x 33 Pages;

The period for representations closed on 16 May 2022. One (1) representation was subsequently received. A map demonstrating the relationship between the subject site and representors' property is shown in Figure 2.



**Figure 2: Relationship between the subject site and the representors' property**

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

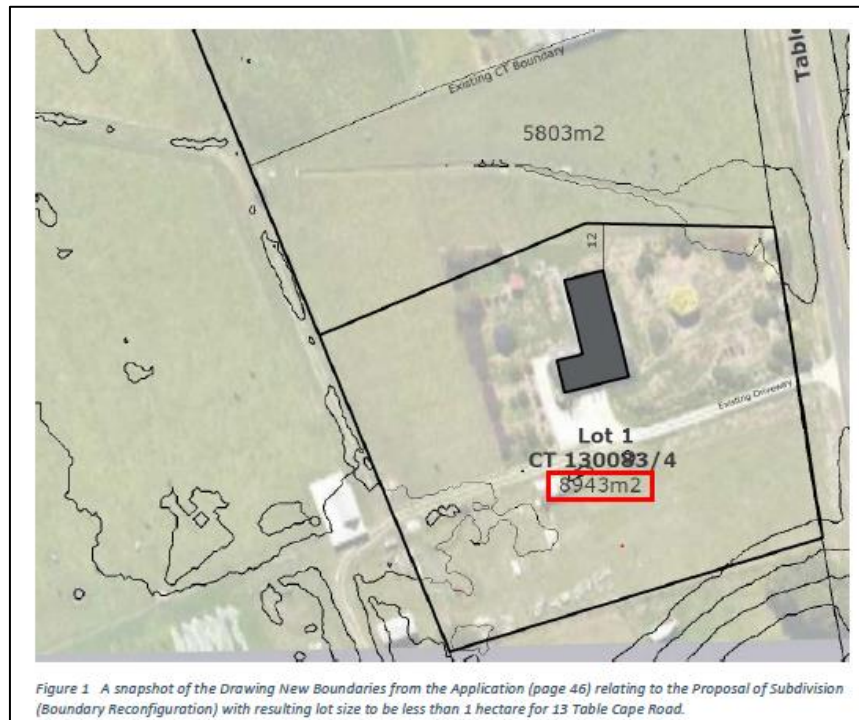
Copies of the images referred to the representation are included after the following table, in Figures 3 and 4.

### Representation – A & R Arnold

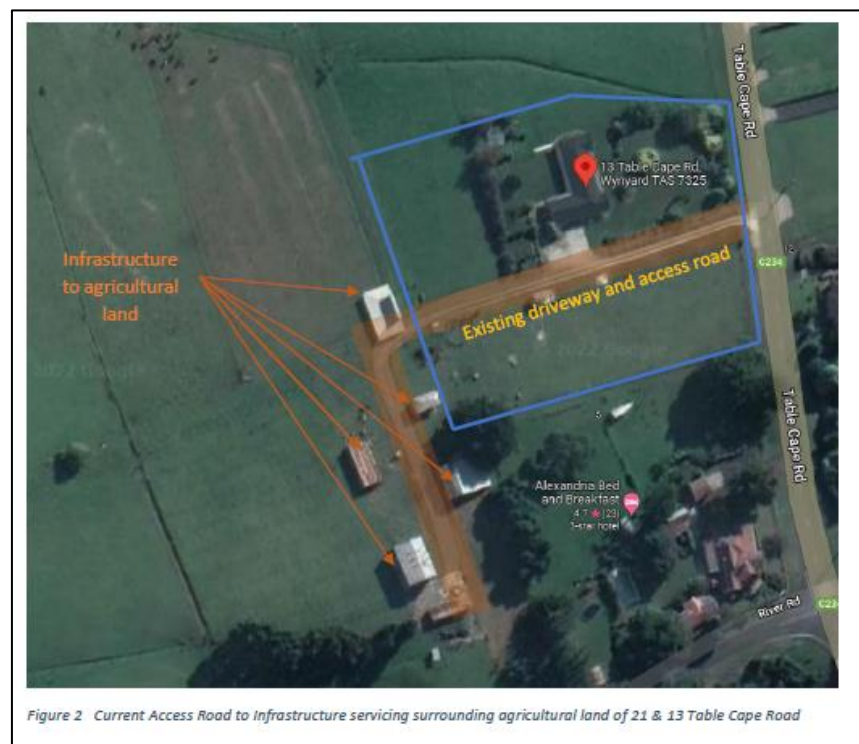
Issues raised:	Response:
<p>We have reviewed the planning permit application and we do not support the proposal.</p> <p>Our reason for not supporting the proposal is that the resulting size of 13 Table Cape Road with the Proposal of Subdivision (Boundary Reconfiguration) will be less than 1 hectare.</p> <p>This does not comply with 26.4.1 Suitability of a Site or a Lot on a Plan of Subdivision for Use of Development, Acceptable Solution – A1 a) of the <i>Waratah-Wynyard Interim Planning Scheme 2013</i> for the Rural Resource Zone.</p> <p>Acceptable Solution – A1 a) states that:  <i>A site of each lot on a plan of subdivision must –</i>  <i>a) Unless for agricultural use, have an area of not less than 1 hectare not including any access strip</i></p> <p>On page 37 of the application, the Discussion point states that “The subject land provides a lot size greater than minimum 1 ha required and the proposal is not intended for any new buildings. The proposal is for a reconfiguration of land complying with A1 above.”</p> <p>The Subdivision (Boundary Reconfiguration), as shown by the drawing New Boundaries on page 46 of the application, reduces the size of 13 Table Cape Road by 5,803m<sup>2</sup> to 8,943m<sup>2</sup>, equating to 0.89 hectare (refer to Figure 1). Therefore, the lot size is not greater than minimum 1 ha required.</p>	<p>Council can consider a proposal which satisfies either the Acceptable Solution or Performance Criteria for an applicable Clause. As demonstrated in the discussion under Clause 26.4.1, the proposal is considered to satisfy the relevant performance criteria for creation of a lot less than 1ha in area.</p> <p>It is considered that Lot 1 is of sufficient size for a single residential use and the services required to support such a use without undue constraint or interference to adjacent land. Reduction in the size of 13 Table Cape Road will not increase the proximity of the established residential use on Lot 1 to farming activities to the north or north-west, to visitor accommodation use to the south or to other residential uses to the east. Please see the planning assessment below for a full discussion of Clause 26.4.1.</p> <p>It is acknowledged that there is a lack of consistency between the proposal plans and supporting planning report. That Lot 1 is proposed to be less than 1ha is clearly demonstrated in the proposed plan of subdivision – which is the relevant document which would be endorsed by Council, not the supporting report.</p>
<p>The current use of both lots involved in the Subdivision (Boundary Reconfiguration) is also deemed to be Residential, as opposed to agricultural use which is outlined in Part a) of Acceptable Solution – A1. Refer to Section 8, page 3, of the Application for Planning Approval where the Present use of site and/or buildings – full description is “Residential.”</p> <p>Furthermore, we have concerns for the future of this proposed lot size reduction at 13 Table Cape Road and the impact on the use and hence viability of adjacent agricultural land on the western boundary of the lot.</p>	<p>As per clauses 8.2 and 8.10.1 of the Planning Scheme, it is Council role as a planning authority to appropriately categorise use or development and not the applicants. The proposal has been assessed by Council’s Planning Department as involving both Residential and Resource Development uses and the assessment of the proposal against the applicable standards and requirements of the Planning Scheme has been made with both these uses in mind.</p> <p>Although the owners of Lot 1 (13 Table Cape Road) also own adjoining farmland to the north and north-west, these properties do not form part of the application before Council. Further,</p>

<p>Currently, a road extends from the existing driveway (refer to Figure 2) to access the adjacent agricultural lots and infrastructure. The infrastructure, at a minimum consists of multiple sheds, cattle pens, fencing and tracks, provides storage and services for the agricultural land to the west of the western lot boundaries of both 13 and 21 Table Cape Road; north of the northern lot boundary of 21 Table Cape Road; agricultural use on both lots; as well as the land (5,803m<sup>2</sup>) which is involved in this proposal of Subdivision (Boundary Reconfiguration) between the two lots.</p> <p>In reducing the lot size of 13 Table Cape Road, even though it can be currently sold separately to the other 3 lots owned (2 lots to the west of this lot and 1 north of 21 Table Cape Road lot) by the current landowner, this lot becomes more attractive, and available to a wider buyer market as it is more manageable to maintain. Its proportion of residential vs agricultural use will also become higher.</p> <p>The access road extending from the existing driveway is not currently noted as Right of Way through this lot on the title. If this lot is sold, then the access to, and potential use and viability of this agricultural land will be impeded. This access road has been in place to the infrastructure on the adjacent lots since at least the 1970s from records (aerial photographs) we have been able to source. We believe the continuation of accessing and utilising this agricultural land is important and of high sustainability to the town of Wynyard for the future</p>	<p>the portion of Lot 1 which provides an alternative means of access to the adjoining farmland to the west is to be retained. It is also noted that no formal right of way or registered easement over the driveway for 13 Table Cape Road exists, and that farmland to the west of the site also has frontage onto River Road.</p> <p>The proposed boundary reconfiguration between 13 and 21 Table Cape will not increase the proximity of the established residential use on Lot 1 to farming activities to the north or north-west. 13 Table Cape is a separate lot to adjoining farmland and the residential use rights for the existing dwelling on the site are not conditional upon the dwelling being subservient to any primary industry use.</p> <p>The portion of Lot 1 to be adhered to Lot 2 does not contain any farming related infrastructure. It is not separated into paddocks and is currently underutilised by 13 Table Cape Road. The reconfiguration of land will primarily benefit primary industry activity undertaken on Lot 2 as it will increase the size of the modest grazing operation on 21 Table Cape Road by approximately 20%.</p> <p>Council cannot require the creation of a right of way in favour of land which does not form part of the application being assessed. It is also generally not possible to establish an easement/right of way over land which is not in separate ownership. Should 13 Table Cape Road be sold at some point in future, the status of the driveway servicing adjacent farmland will be a matter to be discussed between the property owner and potential purchaser.</p>
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**Figure 3: Representation 'Figure 1'**



**Figure 4: Representation 'Figure 2'**

## INTERNAL REFERRALS

### Engineering Services Department

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

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- (1) Stormwater from the development is to be fully contained within the boundaries of the property.
  - (2) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer
  - (3) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
  - (4) A Final Survey Plan submitted for sealing by the Council is to show all easements required for powerlines, sewerage, water, drainage purposes and legal access.
  - (5) Loading and un-loading of vehicles is to be confined to within the boundaries of the property.

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

### **Environmental Health**

The following environmental health conditions were recommended.

- (1) A revised site plan demonstrating that the existing onsite wastewater management systems, including reserve areas, for 13 and 21 Table Cape Road will be wholly contained within the new title boundaries is to be submitted to Council prior to lodgement of a Final Survey Plan.

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

### **EXTERNAL REFERRALS**

The application was referred to TasWater on 28 April 2022. A response was received on 5 May 2022 advising that the proposed development did not require a submission from TasWater.

The application did not require any other external referrals.

### **PLANNING ASSESSMENT**

The subject site is located within the Rural Resource zone under the *Waratah-Wynyard Interim Planning Scheme 2013*.

The uses are Residential and Resource Development, which are either Permitted or No Permit Required uses within the Rural Resource zone, should the application meet all the relevant acceptable solutions of the planning scheme.

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

An assessment of the proposal against the applicable clauses for the Rural Resource Zone is provided below.

**26.4.1 Suitability of a site or lot on a plan of subdivision for use or development**

<p><b>A1</b></p> <p>A site or each lot on a plan of subdivision must –</p> <ul style="list-style-type: none"> <li>(a) unless for agricultural use, have an area of not less than 1 hectare not including any access strip; and</li> <li>(b) if intended for a building, contain a building area – <ul style="list-style-type: none"> <li>(i) of not more than 2000m<sup>2</sup> or 20% of the area of the site, whichever is the greater unless a crop protection structure for an agricultural use;</li> <li>(ii) clear of any applicable setback from a frontage, side or rear boundary;</li> <li>(iii) clear of any applicable setback from a zone boundary;</li> <li>(iv) clear of any registered easement;</li> <li>(v) clear of any registered right of way benefiting other land;</li> <li>(vi) clear of any restriction imposed by a utility;</li> <li>(vii) not including an access strip;</li> <li>(viii) accessible from a frontage or access strip</li> </ul> </li> </ul>	<p><b>P1</b></p> <p>A site or each lot on a plan of subdivision must be of sufficient area for the intended use or development without likely constraint or interference for –</p> <ul style="list-style-type: none"> <li>(a) erection of a building if required by the intended use;</li> <li>(b) access to the site;</li> <li>(c) use or development of adjacent land;</li> <li>(d) a utility; and</li> <li>(a) any easement or lawful entitlement for access to other land</li> </ul>
<p><b>Planning Comments:</b> Complies</p> <p>Proposed Lot 1 comprises 8943m<sup>2</sup> and Lot 2 comprises 3.47ha. The proposal relies on the performance criteria, as Lot 1 is predominantly used for residential purposes and the lot size is less than 1ha.</p> <p>Proposed Lot 1 does not contain any registered easement, burdening right of way or restriction imposed by a utility. It contains an existing residential use with wastewater and stormwater disposed of within title boundaries by Council approved systems and water via on-site supply. The site has an existing access onto Table Cape Road.</p> <p>The proposed boundary reconfiguration between 13 and 21 Table Cape Road will not increase the proximity of the established residential use on Lot 1 to farming activities to the north or north-west, to visitor accommodation use to the south or to other residential uses to the east. Although the change to the common boundary shared with 21 Table Cape Road will reduce the setback of the dwelling on 13 Table Cape Road from adjacent land to the north (proposed Lot 2), this lot is not a large commercial enterprise and the majority of grazing land is located to the north of the dwelling on proposed Lot 2 and away from Lot 1. Given the pattern of established residential use on the properties fronting Table Cape Road, it is unlikely that Lot 2 would be developed for any purpose which would conflict heavily with sensitive use. The decrease in setback from Lot 2 for the dwelling on Lot 1 is unlikely to significantly affect the development potential of Lot 2.</p> <p>The proposed site is of sufficient size for a single residential use and the services required to support such a use without undue constraint or interference to adjacent land.</p>	

In this manner, the proposal satisfies the requirements of P1 for this Clause.

#### 26.4.4 Subdivision

<p><b>A1</b></p> <p>Each new lot on a plan of subdivision must be –</p> <p>(a) a lot required for public use by the State government, a Council, a Statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a statutory authority</p>	<p><b>P1</b></p> <p>(a) A plan of subdivision to reconfigure land must –</p> <p>(i) be required to restructure, resize, or reconfigure land for primary industry use; and</p> <p>(ii) not create an additional lot;</p> <p>(b) A plan of subdivision to create a new lot must –</p> <p>(i) be required for a purpose permissible in the zone;</p> <p>(ii) be of a size and configuration that is not more than is required to accommodate the nominated use in accordance with the applicable standards of this planning scheme for such use;</p> <p>(iii) retain the balance area for primary industry use;</p> <p>(iv) minimise unnecessary and permanent loss of rural resource land for existing and potential primary industry use;</p> <p>(v) minimise constraint or interference to existing and potential primary industry use on the site and of adjacent land in the zone; and</p> <p>(vi) minimise unnecessary and permanent loss of land within a proclaimed irrigation district under Part 9 <i>Water Management Act 1999</i> or land that may benefit from the application of broadscale irrigation development; or</p> <p>(c) A plan of subdivision to reduce the area of an existing lot on a sealed plan containing a lawful use must –</p> <p>(i) not be land containing a residential use approved by a permit granted under the <i>Land Use Planning and Approvals Act</i></p>
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	<p>1993 as a required part of a permitted use;</p> <p>(ii) incorporate the excised area into an existing primary industry lot by amalgamation in a manner acceptable to the Recorder of Titles;</p> <p>(iii) minimise likelihood for the existing use on the reduced area lot to further constrain or interfere with use of the balance area or adjacent land for an existing or potential primary industry use; and</p> <p>(iv) retain a lot with a size and shape that –</p> <p>a. can accommodate the lawful existing use or development in accordance with the applicable standards for that use; or</p> <p>b. does not further increase any noncompliance for use or development on the existing lot</p>
<p><b>Planning Comments:</b> Complies</p> <p>The proposal is for subdivision (boundary reconfiguration) of land at 13 Table Cape Road (CT 130083/4) and 21 Table Cape Road (CT 249062/1). It does not involve a lot required for public use and must therefore be assessed against the Performance Criteria for this Standard.</p> <p>It is proposed to subdivide approximately 5803m<sup>2</sup> from 13 Table Cape Road and transfer it to 21 Table Cape Road to create two lots of 8943m<sup>2</sup> and 3.47ha respectively. The portion of Lot 1 to be transferred to Lot 2 does not contain any farming related infrastructure. It is not separated into paddocks and is currently underutilised by 13 Table Cape Road. The reconfiguration of land will primarily benefit primary industry activity undertaken on Lot 2 as it will increase the size of the modest grazing operation on 21 Table Cape Road by approximately 20%.</p> <p>No new lots will be created and Lot 1 will remain as lot used primarily for residential purposes. Although the owners of Lot 1 (13 Table Cape Road) also own adjoining farmland to the north and north-west, these properties do not form part of the application before Council. The portion of Lot 1 which provides an alternative means of access to the adjoining farmland to the west is to be retained.</p> <p>The proposal satisfies P1(a) for this Standard.</p>	

## STATUTORY IMPLICATIONS

### Land Use Planning and Approvals Act 1993

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

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

*Local Government (Building & Miscellaneous Provisions) Act 1993*

The application has been considered against the requirements of s85 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*. The application is generally consistent with these provisions.

**STRATEGIC IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**ENVIRONMENTAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**RISK IMPLICATIONS**

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

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

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

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

**COMMENT**

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

It is considered that the proposed subdivision complies with either the acceptable solution or satisfies the performance criteria for all applicable standards of the Planning Scheme. The proposed reconfiguration of boundaries removes an underutilised asset from one lot and

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further increases the size of a modest grazing operation. The proposed lot sizes are sufficient to service the existing development on each lot without undue constraint or interference to adjacent land.

The application is considered to comply with the Rural Resource Zone provisions for the Waratah-Wynyard Interim Planning Scheme 2013 and is generally consistent with section 85 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*. It is therefore recommended that Council approve a planning permit for the proposed subdivision.

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**7.0 MATTER RAISED BY COUNCILLORS****7.1 RESPONSE(S) TO COUNCILLOR QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING****7.1.1 CR DUNIAM- PLANNING INFRINGEMENTS****QUESTION**

Cr Mary Duniam asked that a list of all planning infringements for the current and previous financial year be provided.

The question was taken on notice.

**OFFICERS RESPONSE**

No infringements (fines) have been issued for any breaches under the *Land Use Planning and Approvals Act 1993*(LUPAA)

Over the last two years, three matters have been progressed to enforcement actions under LUPAA.

Legal fees from the 2020-21 financial year were \$7,902, with \$19,612 for the current financial year.

A list of the planning compliance matters that proceeded to enforcement actions is provided below.

DATE	TYPE OF BUSINESS	DETAILS	OUTCOME
30 March 2020	Work without a permit in landslip hazard area	Notice of Intention to issue and Enforcement Notice issued 13 September 2021.	Notice being appealed. Appeal to be heard through TasCAT on 29 June 2022
14 July 2020	Non-compliance with planning permit condition	Notice of Intention to issue and Enforcement Notice issued 16 September 2020. Enforcement Notice issued 4 October 2021.	On-site meeting held. Draft plans submitted to Council for review and comment. Development application to resolve non-compliance being prepared.
5 October 2021	Residential use in a shed without a permit	Notice of Intention to issue and Enforcement Notice issued 5 October 2021.	Planning application prepared and subsequently approved. Planning Permit now subject to an appeal. Appeal to be heard through TasCAT on 20 July 2022.

**7.1.2 CR BRAMICH - LINE MARKING****QUESTION**

Cr Gary Bramich noted that the line marking at the where water trucks are filled on Goldie Street has been moved from one side of road to the other. Cars are now parking near where trucks fill up at water station causing a problem. May need filling station to be moved.

The Director of Infrastructure and Development Services took the question on notice



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## **OFFICERS RESPONSE**

Officers have investigated the concerns raised. The drivers of the cars that were parking in the area have been asked to change their parking location. There does not appear to be any need to paint further lines, nor any need to relocate the filling station with changed behaviour.

### **7.1.3 CR COURTNEY - POLICY REGARDING POLITICAL ADVERTISEMENTS**

#### **QUESTION**

Cr Andrea Courtney asked if a policy should be in place to ensure that Councillors do not participate in advertising of political parties.

The question was taken on notice

#### **OFFICERS RESPONSE**

The current concerns raised indicate there is a deficiency in current policy and guideline documents. As such, modification of an existing policy or development of a new policy may be beneficial and will be listed for discussion at Council workshop.

Section 28 of the *Local Government Act 1993* states –

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

- (a) to represent the community;*
- (b) to act in the best interests of the community;*
- (c) to facilitate communication by the council with the community;*
- (d) to participate in the activities of the council;*
- (e) to undertake duties and responsibilities as authorised by the council.*

As a starting point, Council's Code of Conduct contains a section on Representation, which states –

- 1. When giving information to the community, a councillor must accurately represent the policies and decisions of the Council.*
- 2. A councillor must not knowingly misrepresent information that he or she has obtained in the course of his or her duties.*
- 3. A councillor must not speak on behalf of the Council unless specifically authorised or delegated by the Mayor or Lord Mayor.*
- 4. A councillor must clearly indicate when he or she is putting forward his or her personal views.*
- 5. A councillor's personal views must not be expressed publicly in such a way as to undermine the decisions of the Council or bring the Council into disrepute.*
- 6. A councillor must show respect when expressing personal views publicly.*
- 7. The personal conduct of a councillor must not reflect, or have the potential to reflect, adversely on the reputation of the Council.*
- 8. When representing the Council on external bodies, a councillor must strive to understand the basis of the appointment and be aware of the ethical and legal responsibilities attached to such an appointment.*

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An additional clause that covers promotion of political parties could possibly be added to the section above.

## **7.2 COUNCILLOR QUESTIONS RECEIVED IN WRITING**

### **7.2.1 CR D FAIRBROTHER - COUNCILLOR STATISTICS**

#### **BACKGROUND**

Late last year a question was posed from the public from the gallery as to how Councillors were intending on best serving the community between then and the upcoming October elections. Commentary was offered around our performance as Councillors and the need to improve. The statistics will assist in making an assessment of our performance as Councillors for those who have an interest and read the agenda.

#### **QUESTION**

Can information in the form of statistics and data be presented to council in table form as to the number of:

- notices of motion; and
- questions on notice, questions in writing and questions without notice,

that have been tendered by and recorded within the agendas for the term of this council (near 4yrs) to June 2022 from each current elected member within council and those persons elected but not currently sitting as an elected representative.

It would be appreciated if the number of meetings (formal meetings and workshops etc) attended by each elected member in each calendar year against the possible number of meetings held as well may be handy.

#### **OFFICERS RESPONSE**

Attendance records for Councillors are provided each month in the Council Meeting Agenda (Notification of Councillor Workshops Report) and in the Annual Report each year (this includes number of meetings held).

A copy of those tables is below:

The following table details the attendances of the Mayor, Deputy Mayor and Councillors at meetings and workshops in 2018/19:

	<b>Ordinary Meetings</b> # attended / # eligible to attend	<b>Special Meetings</b> # attended / # eligible to attend	<b>Workshops</b> # attended / # eligible to attend
Mayor Robert Walsh	11/12	1/1	24/31
Deputy Mayor Mary Duniam	10/12	1/1	26/31
Cr Maureen Bradley (finished 30/10/18)	4/4	0/2	9/9
Cr Gary Bramich	11/12	1/1	29/31
Cr Andrea Courtney (commenced 6/11/18)	5/8	0/1	14/22
Cr Celisa Edwards (commenced 6/11/18)	7/8	1/1	21/22
Cr Darren Fairbrother	12/12	1/1	31/31
Cr Alwyn Friedersdorff (retired 30/10/18)	4/4	0/0	5/9
Cr Allie House (commenced 6/11/18)	7/8	1/1	22/22
Cr Kevin Hyland	11/12	1/1	13/31

The following table details the attendances of the Mayor, Deputy Mayor and Councillors at meetings and workshops in 2019/20:

	Ordinary Meetings attended / eligible to attend	Special Meetings attended / eligible to attend	Workshops attended / eligible to attend	Weeks Leave Approved
	(12)	(1)	(37)	
Mayor Robert Walsh	12	1	37	
Deputy Mayor Mary Duniam	12	1	35	2
Cr Maureen Bradley #	0	0	1	
Cr Gary Bramich	12	1	36	
Cr Andrea Courtney	9	1	21	2
Cr Celisa Edwards	12	1	31	2
Cr Darren Fairbrother	12	1	36	
Cr Allie House **	9	1	26	2
Cr Kevin Hyland	9	1	18	4

\*\* Note that Cr House resigned as of 5 June 2020

# Note that Cr Bradley commenced on 29 June 2020:

The following table details the attendances of the Mayor, Deputy Mayor and Councillors at meetings and workshops in 2020/21

<b>Councillor</b>	<b>Ordinary Meetings attended / eligible to attend (12)</b>	<b>Special Meetings attended / eligible to attend (2)</b>	<b>Workshops attended / eligible to attend (26)</b>	<b>Weeks Leave Approved</b>
Mayor Robert (Robby) Walsh	10	2	17	7
Deputy Mayor Mary Duniam	11	2	25	5
Cr Maureen Bradley	12	2	25	0
Cr Gary Bramich	12	2	25	5
Cr Andrea Courtney	11	1	23	3
Cr Celisa Edwards	11	2	25	0
Cr Darren Fairbrother	12	2	25	2
Cr Kevin Hyland	10	2	17	1

The following table shows attendance of Mayor, Deputy Mayor and Councillors at meetings and workshops in 21/22 to date (up to – 8/6/22).

#### Meetings attended during 2021/22

	<b>Ordinary Meetings 2021/22 (11)</b>	<b>Special Meetings / AGM 2021/22 (1)</b>	<b>Workshops 2021/22 (24)</b>	<b>Community Conversations 2021/22 (5)</b>	<b>Weeks Leave Approved</b>
Mayor Robert Walsh	9	1	23	5	5
Deputy Mayor Mary Duniam	11	1	24	3	3
Cr Maureen Bradley	11	1	21	3	
Cr Gary Bramich	11	1	24	5	
Cr Andrea Courtney	10	1	20	2	
Cr Celisa Edwards	11	1	24	5	
Cr Darren Fairbrother	9	1	19	2	
Cr Kevin Hyland	11	1	23	5	

The number of Notices of Motions for each Councillor from November 2018 – May 2022 are listed in the table below:

Mayor Robert Walsh	2
Deputy Mayor Mary Duniam	6
Cr Maureen Bradley (commenced July 2020)	1
Cr Gary Bramich	3
Cr Andrea Courtney	0
Cr Celisa Edwards	6
Cr Darren Fairbrother	23
Cr Kevin Hyland	1
Ex-Cr Allie House	4

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The number of Councillor Questions recorded in the Agenda from November 2018 – May 2022 are listed in the table below:

	Questions on Notice	Questions without Notice*
Mayor Robert Walsh	0	0
Deputy Mayor Mary Duniam	1	12
Cr Maureen Bradley	0	4
Cr Gary Bramich	0	23
Cr Andrea Courtney	1	8
Cr Celisa Edwards	1	13
Cr Darren Fairbrother	22	55
Cr Kevin Hyland	0	7
Ex-Cr Allie House	5	10

\*Section 29 (6) of Council's adopted Meeting Procedures Policy, states "Questions without Notice, and any answers to those questions, are not required to be recorded in the minutes of the meeting". Officers have been recording questions that have an associated action for officers or those questions taken on notice in the minutes and these are the figures shown above.

### **7.3 COUNCILLOR QUESTIONS WITHOUT NOTICE**

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

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**8.0 NOTICE OF MOTION****8.1 CR M DUNIAM - AMENDMENTS TO LOCAL GOVERNMENT ACT(1993)**

Enclosures: Nil

**MOTION**

That Council write to the Local Government Division (Tasmania) requesting that the Tasmanian State Government:

1. Review the eligibility criteria, for potential candidates to nominate for and/or hold the office of Local Government Councillor in Tasmania, to include the following:
  - (a) requirement for a mandatory Police Check;
  - (b) requirement to provide criminal history; and
  - (c) requirement for current Working with Vulnerable People registration
2. review and strengthen the Code of Conduct taking into account the prescriptive mandatory codes that provide minimum standards to regulate the conduct of Tasmanian Councils (Councillors and staff) and their relationships within the sector and between Councils and consumers;
3. review the Code of Conduct process to ensure fairness and equity for all Code of Conduct participants and reduce ethics and compliance risks;
4. provide clear penalty guidelines to include the ability to suspend and stand down a Councillor in circumstances that align with breaches of the Local Government Act (1993) and of the Code of Conduct;
5. develop a Model Member Code of Conduct that is strongly aligned with the public trust placed in us as Councillors on all occasions, and that each individual Councillor will:
  - (a) act with integrity and honesty
  - (b) act lawfully
  - (c) treat all persons with civility, and
  - (d) lead by example and act in a way that secures public confidence in the office of councillor; and
6. complete full review and finalise process prior to local government elections 2022.

**BACKGROUND INFORMATION**

The *Local Government Act 1993* (the Act) is a prescriptive tool that gives basic mandatory legal guidelines for all elected representatives and employees within the local government sector.

The role of councillor in local government is a vital part of our country's system of democracy. In voting for a local councillor, the public is imbuing that person and position with their trust. As such, it is important that as councillors we can be held accountable and should all adopt the behaviours and responsibilities associated with the role.

The conduct of an individual councillor affects the reputation of all councillors and community. The role of councillor should be one that people aspire to and want to participate with. Councils need to attract individuals from a range of backgrounds and

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circumstances who understand the responsibility they take on and are motivated to make a positive difference to their local communities.

As councillors, we all represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent everyone taking decisions fairly, openly, transparently and with civility. Councillors should also be treated with civility by members of the public, other councillors and council employees.

Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations. This may also present a requirement for a Working with Vulnerable People Check, which has become a crucial legal check in Tasmania to help reduce crime, sexual offences, improper behaviours and harm to the vulnerable members of our society. Working with Vulnerable People Registration extensively covers all services that have direct or indirect contact with vulnerable populations, including children.

Subsequently, it is of equal importance that any potential or elected representative in local government in Tasmania provide their criminal history as a measure of openness and accountability to verify eligibility for the office of Councillor in local government in Tasmania. Currently, the *Tasmanian Local Government Act (1993)* does not specifically prohibit a particular action or support the provision of this information in the interests of public safety.

It is necessary therefore, that the *Tasmanian Local Government Act (1993)* and the *Tasmanian Local Government Code of Conduct* be designed to strongly protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Currently, the current *Tasmanian Local Government Code of Conduct* as prescribed under Part 3, Division 3A of the *Local Government Act 1993* (the Act) is the only legitimate process for Councils and Councillors to diminish the risk of conflict between members and between members and the public, and thereby avoid the likelihood of breaches.

It is evident that the current Code of Conduct framework and terms of reference do not meet the requirements to fully determine level of seriousness and materiality. It is noted that a Councillor may be suspended from office for a period of 3 months for breaching the Code of Conduct and even be convicted of a criminal offence. Currently, there are no grounds for heavier penalties or disqualification from office, despite the seriousness of the offence or even statutory breaches resulting in criminal prosecution. This is also strongly evident when relating the Waratah-Wynyard Council situation and their Councillor was placed on the Protective Persons Register (Sex Offenders Register) for two years and no appropriate level of suspension and/or penalty can be applied under the current Code of Conduct conditions.

The example provided by the Local Government Association (UK) establishes Model Member Code principles that strongly support the local government sector to continue to aspire to high standards of leadership and performance:

*Selflessness:* Holders of public office should act solely in terms of the public interest.

*Integrity:* Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

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*Objectivity:* Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

*Accountability:* Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

*Openness:* Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

*Honesty:* Holders of public office should be truthful. Leadership Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## **OFFICERS COMMENT**

The most recent LGAT agenda stated in relation to the Code of Conduct review:

*The State Government commenced a review of the Code of Conduct Framework in mid-2021.*

*This came after a period of sustained advocacy from LGAT and the sector. The discussion paper, released in July 2021, suggested the following reforms:*

- *Strengthening the grounds for the Code of Conduct Panel Chairperson to dismiss complaints at the initial assessment stage through the introduction of a new 'public interest' test.*
- *Removing a perceived conflict of interest for the Code of Conduct Panel Chairperson at the initial assessment stage and ensuring that a legal member of the Panel undertakes all initial assessments.*
- *Improving confidentiality requirements in relation to the formal Code of Conduct complaints process.*
- *Improving council dispute resolution policies to minimise the number of issues that are escalated to the Code of Conduct Panel in the first place.*

*Late last year the Government released its response to the sector and community feedback confirming that they will proceed with the changes proposed in the discussion paper as well as some additional reforms that seek to provide greater clarity and consistency in the handling of complaints. The Government also committed to further work to ensure the Code of Conduct Framework remains effective into the future. The Government is aiming to introduce amendments to the Local Government Act in the Autumn 2022 session of Parliament.*

Given this work underway, it is sensible that any suggested changes or considerations are passed to the relevant bodies as soon as possible.

The same agenda, in relation to amendments of the Local Government Act stated:

*In late 2021, the Government agreed to consider sector priority amendments to the Local Government Act ahead of the 2022 elections. LGAT wrote to all Mayors and General Managers / CEOs to seek feedback on which of the approved reforms should be progressed.*

*Feedback from the sector indicated that the preferred amendments are:*



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*1. Reform 11 – Move administration of the General Manager’s Roll from councils to the Tasmanian Electoral Commission.*

*2. Reform 10 – Introduce caretaker provisions.*

*3. Reform 9 – Simplify the voting process to reduce informal voting rates and Reform 34 - Simplify what is a conflict of interest (equal weighting).*

*Other popular amendments were (in no particular order):*

- Reform 5 – Reform eligibility for the General Manager’s Roll.*

- Reform 6 – Reform the voting franchise to reflect ‘one person, one vote’ principle in any one municipality.*

- Reform 12 – Introduce a pre-nomination training package.*

- Reform 14 – Require the disclosure of gifts and donations received by local government candidates during the electoral period.*

Again, any suggested reform items, or matters to be considered prior to the Local Government elections in 2022 need to be forwarded to relevant authorities as soon as possible.

Since the case of Councillor Fairbrother finalised in the Magistrates Court, media have reported that the State Government is considering its options in relation to changing legislation which outline who is entitled to be a councillor.

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## **8.2 CR K HYLAND - VOTE OF NO CONFIDENCE**

Enclosures: Nil

### **MOTION**

**That Council move a vote of no confidence in Councillor Fairbrother.**

### **BACKGROUND INFORMATION**

Councillor Fairbrother has been charged and convicted of inappropriate behaviour in the Burnie Criminal Magistrates Court in May 2022.

On Monday 6 June 2022 he returned to the Burnie Criminal Magistrates Court on a trespass charge.

Councillors, council staff and the community need this nation-wide embarrassment to end.

### **OFFICERS COMMENT**


There are no provisions under the *Local Government Act 1993* that cover a vote of no confidence. Should the motion be adopted by Council it will not result in any legislative outcomes.

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## 9.0 REPORTS OF OFFICERS AND COMMITTEES

### 9.1 ANNUAL PLAN AND BUDGET ESTIMATES 2022/23

To:	Council
Reporting Officer:	Corporate Accountant
Responsible Manager:	Director Organisational Performance
Report Date:	5 April 2022
File Reference:	1111
Enclosures:	1. Annual Plan and Budget Estimates 2022/23 

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#### RECOMMENDATION

##### 1. Adoption of the Annual Plan

1.1 In accordance with Section 71 of the *Local Government Act 1993* (as amended), Council adopts the Annual Plan for 2022/23 and instructs the General Manager to:

1.1.1 make a copy of the Annual Plan available for public inspection at the Council office; and

1.1.2 provide a copy of it to the Director of Local Government and the Director of Public Health.

##### 2. Adoption of the Annual Estimates

2.1 In accordance with Section 82 of the *Local Government Act 1993* (as amended), the Council adopts the estimates of revenue and expenditure (including estimated capital works) as detailed in the Annual Plan and Budget Estimates 2022/23; and

2.2 Authorises the General Manager in accordance with Section 82(6) of the *Local Government Act 1993*, to make minor adjustments up to \$20,000 to any individual estimate item as deemed necessary during the financial year so long as the total amount of the estimate is not altered.

##### 3. Fees & Charges

3.1 In accordance with Section 205 of the *Local Government Act 1993*, and other relevant Acts as detailed in the fees and charges schedule, the Council imposes the fees and charges within the Annual Plan and Budget Estimates 2022/23 financial year.

##### 4. Rates Resolution

4.1 That in accordance with the provisions of Part 9 of the *Local Government Act 1993* ("the Act"), the *Fire Service Act 1979* and the *Waste & Resource Recovery Act 2022*, the Council makes the following Rates and Charges for land within the Council's municipal area for the period 1 July 2022 to 30 June 2023.

###### 4.1.1 Definitions Used in this Resolution

- (a) 'AAV' means the assessed annual value as defined in the Act and adjusted under Sections 89 and 89A of the Act.

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- (b) 'land' means a parcel of land which is shown as being separately valued in the valuation list prepared under the Land Valuation Act 1971;
  - (c) 'General Land' means all land within the municipal area of Waratah-Wynyard (the municipal area) that is not within the township of Somerset or the township of Wynyard.
  - (d) 'The Act' means the *Local Government Act 1993*.
  - (e) Terms used in this resolution have the same meaning as given to them in Part 9 of the Act, unless it is inconsistent with the context of this resolution.
  - (f) Each of the rates and charges made by this Resolution may be cited by reference to the heading immediately preceding the clause.

#### **4.2 General Rate**

- 4.2.1 Council makes a general rate under Section 90 of the Act of 5.9426 cents in the dollar on all land (excluding land which is exempt pursuant to the provision of Section 87 of the Act) within the Waratah-Wynyard municipal area.
- 4.2.2 Council sets a minimum amount payable in respect of that rate of \$250 in accordance with Section 90(4) of the Act.
- 4.2.3 Council elects the AAV to be the basis of the general rate for the purpose of this Rates Resolution.

#### **4.3 Fire Service Levy**

In accordance with the requirements of s.81(c) of the *Fire Service Act* the Council levies the following fire service rates:

- 4.3.1 (a) A rate of 0.3620 cents in the dollar of AAV for all land within the township of Somerset and Wynyard; and
  - (b) a rate of 0.3380 cents in the dollar of AAV on all General Land.
- 4.3.2 With a minimum amount payable of \$44 for all land.

In accordance with the provisions of Section 107 of the Act and, by an absolute majority, the Council declares that the Fire Service Rate is varied within the municipal area by reason of the location of the land.

#### **4.4 Waste Management Charges**

In accordance with the provisions of Section 94 of the Act the Council makes the following waste management charges:

- 4.4.1 \$150 for all land (other than land classified by the Valuer-General as land use code "bush or forestland (L3)" and land that is not used for any purpose listed in Section 107(2) of the Act) for waste management services (other than kerbside collection) provided in the municipal area.
- 4.4.2 \$165 for all land to which the Council provides a weekly urban garbage collection.

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**4.4.3 \$130 for all land to which the Council provides a fortnightly rural garbage collection.**

**4.4.4 \$67 for all land to which the Council provides a recyclables collection service.**

**4.4.5 \$16 for all land in the municipal area for the State Government Waste Landfill Levy.**

**In accordance with the provisions of Section 94(3)(a) and Section 107 of the Act and by an absolute majority, the Council declares that the waste management charges are varied within the municipal area according to the level of services provided.**

#### **4.5 Stormwater Service Rates**

**In accordance with the provisions of Section 93 of the Act, the Council makes the following stormwater service rates:**

**4.5.1 (a) For land within the hatched area shown on the map marked "Wynyard" (Map 1 in Notes below) (the location), 1.2620 cents in the dollar of the AAV; and**

**(b) For land within the hatched area shown on the map marked "Somerset" (Map 2 in Notes below) (the location), 1.2620 cents in the dollar of the AAV; and**

**(c) For land within the hatched area shown on the map marked "Sisters Beach" (Map 3 in Notes below) (the location), 0.5540 cents in the dollar of the AAV; and**

**(d) For land within the hatched area shown on the map marked "Boat Harbour" (Map 4 in Notes below) (the location), 0.5540 cents in the dollar of the AAV; and**

**In accordance with the provisions of Section 107 of the Act and, by an absolute majority, the Council declares that the stormwater service rate is varied within the municipal area by reason of the location of the land.**

#### **4.6 Payment Options**

##### **4.6.1 Due Dates**

**4.6.1.1 Except where rates and charges are to be paid by installments the rates and charges are to be paid by 31 August 2022.**

**4.6.1.1 In accordance with the provisions of Section 124 of the Act, Council determines that all rates and charges are payable either in one payment or by four instalments, if the rates are to be paid by instalments (calculated to the nearest cent) the due date by which they are to be paid are:**

**1st Instalment - 31 August 2022**

**2nd Instalment – 31 October 2022**

**3<sup>rd</sup> Instalment – 31 January 2023**

**4<sup>th</sup> Instalment – 31 March 2023**

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#### **4.6.2 Discount for Early Payment**

In accordance with the provisions of Section 130 of the Act the Council will provide a discount of 5.0% on the total current rates and charges specified in a rates notice, for payment of the total rates and charges (including all arrears) that are paid by 31 August 2022 but excluding the fire service rate and state waste levy.

#### **4.6.3 Defaults & Penalties**

In accordance with the provisions of Section 128(2) of the Act if any rates and charges or instalment of rates and charges are not paid on or before the date they fall due, then daily interest charged monthly, at the prescribed percentage, is payable from the date they fell due to the date of payment.

In accordance with Section 124(5) of the Act if any instalment is not paid within 21 days of the due date, then the rates and charges for the whole year becomes due and Council may take recovery action without further notice.

### **4.7 Supplementary Rates**

**4.7.1** In accordance with the provisions of Section 92 of the Act, the Council delegates to the General Manager the power to adjust a rate as a result of a supplementary valuation.



**Stormwater Service Rates Map 1 – Wynyard Stormwater District**

(Includes properties within 30m of stormwater infrastructure)





**Stormwater Service Rates - Map 2 – Somerset Stormwater District**

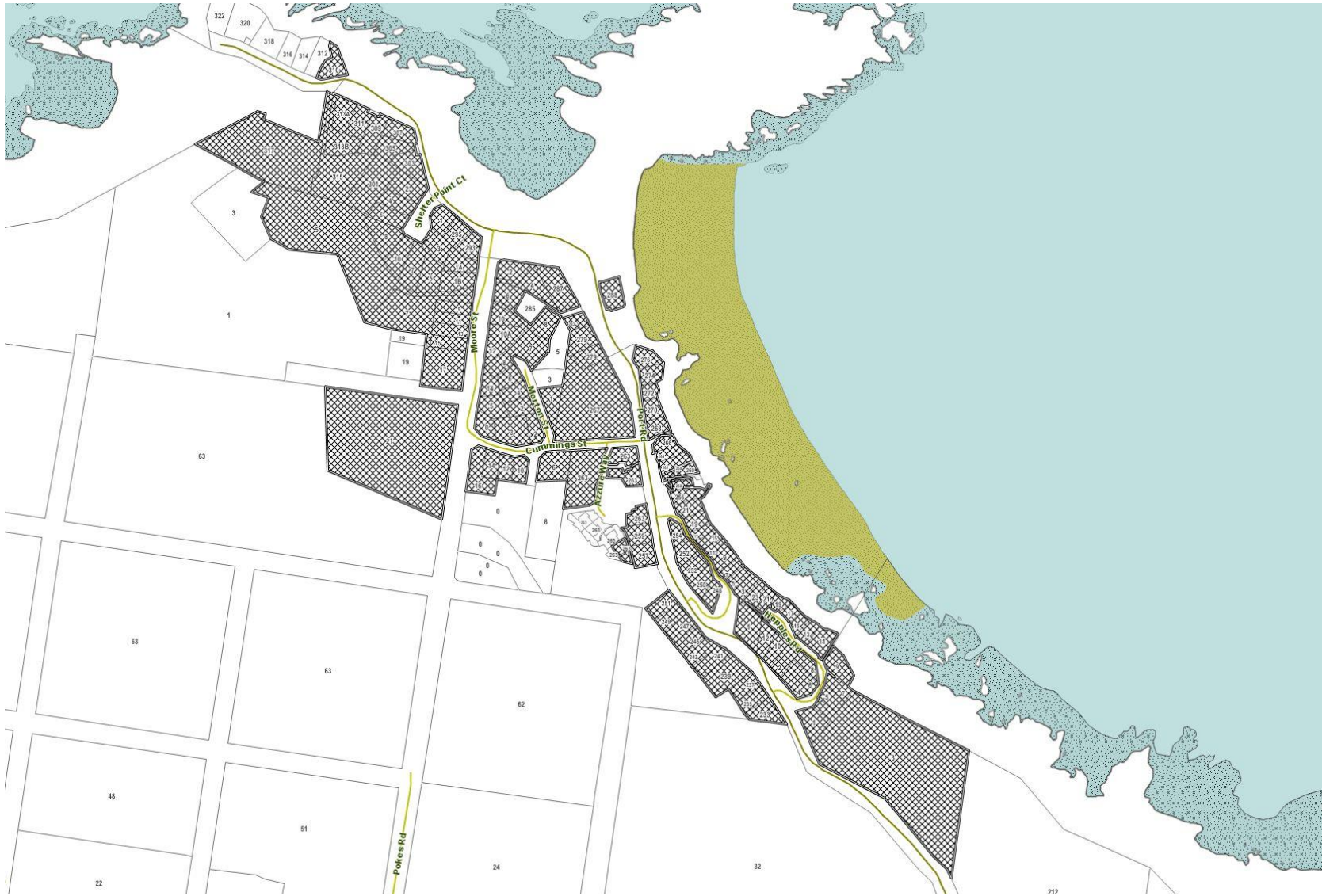
(Includes properties within 30m of stormwater infrastructure)





**Stormwater Service Rates - Map 3 - Sisters Beach Stormwater District**

(Includes properties within 30m of stormwater infrastructure)



**Stormwater Service Rates - Map 4 - Boat Harbour Beach Stormwater District**

(Includes properties within 30m of stormwater infrastructure)

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## **PURPOSE**

The Annual Plan and Budget Estimates 2022/23 have been prepared in accordance with the provisions of the *Local Government Act 1993* and applicable Australian Accounting Standards and is presented to Council for consideration.

The budget estimates have been prepared in consultation with Councillors and staff through a series of workshops over the past few months.

Following adopting of the Annual Plan and Budget Estimates, rates will be levied and issued in respect of the rates and charges in July 2022.

The Annual Plan will be made available for public viewing on the Council's website at [www.warwyn.tas.gov.au](http://www.warwyn.tas.gov.au) or at the Council offices, 21 Saunders Street, Wynyard.

## **BACKGROUND**

The Annual Plan and Budget Estimates as presented seeks to satisfy the requirements of the *Local Government Act 1993*.

The document outlines Council's plans for the next financial year and with the allocation of financial resources to achieve those plans.

The Annual Plan is the key document outlining key initiatives planned to be delivered in 2022/23 and will provide the focus for performance measurement in the 2022/23 Annual Report.

The preparation of the Annual Plan has taken into consideration the Council's adopted Strategic Plan, relevant strategies and action plans.

## **DETAILS**

Council and staff have worked hard to successfully deliver a budget that is balanced and financially responsible.

The Waratah-Wynyard's Financial Management Strategy (FMS) is critical to Council's strategic planning process. It underpins our long-term financial sustainability while meeting the needs and expectations of our communities in delivering Council's strategic priorities.

Council's Financial Management Strategy (FMS) sets the parameters for Council's ongoing financial sustainability and guides decision making, particularly when setting the annual plan and budget estimates.

The budget achieves the targets and philosophies contained in the FMS, and Council can demonstrate that it is sustainable both now and in the medium to long term.

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## **Annual Plan & Key Initiatives**

Council's annual plan contains several key initiatives it wishes to complete during the 2022/23 year. Highlights for each community are provided within the document (pages 6 & 7).

## **Operational Budget**

Council is expected to show an underlying surplus of \$0.491m in 2022/23.

Council continues to carefully plan for the delivery of its master plans and strategies. At the time of setting each budget, Council assesses the projected operating costs of any new projects to understand the future cost of those projects to the community.

The underlying surplus will sufficiently cover future operational costs that will arise from new capital works projects committed to by Council in the current and 2022/23 years.

Council will need to continually assess the expected operating cost of additional new capital expenditure to ensure that the operational improvements occur and cover any costs that arise from future new capital infrastructure spending.

The budget estimates also achieve full cost recovery of Councils waste services one year ahead of schedule.

## **Rates and Charges**

Through its Financial Management Strategy, Council recognises that incremental rises in rates and charges in line with rising costs are essential. The 2022/2023 budget has a focus on ensuring that Council's service rates move to recovering the full cost of service provision.

### General Rate

The Estimates include an increase in general rate revenue of 3.81%, just below the Council Cost Index (4.06%). The minimum General rate payable per property is \$250.

### Stormwater Service Rate

The Stormwater Service Charge covers the cost of maintenance and upgrades of connections, drainage from roads and stormwater removal systems. It also covers flood mitigation works, a growing area of cost for the Council due to changes in the climate.

Council only charges what it needs, and the charges are set at an amount equal to the cost of providing services to each community.

The Estimates include an increase in the service charge of 3.81%, just below the Council Cost Index (4.06%).

### Waste Charges

Waste charges cover waste collection, including recycling and running the waste management centre and other municipal waste services.

Council's strategy to reach full cost recovery for waste services has been achieved this year.

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The proposed increase in waste charges equates to 75 cents per week per property. This increase includes 30 cents per week for a new waste landfill levy collected on behalf of the state government. The new levy will come into effect on 1 July 2022.

Council will continue free entry to the Waste Transfer Station for all residents.

#### State Fire Levies

The State Government sets state Fire Levies. Council collects the levies on behalf of the State and passes the amount collected on in full. Fire Levies will increase by over 5% in 2022/23.

#### **Valuation Impacting Rates Bills**

Council must, by law, use property valuation data issued by the Office of the Valuer-General to levy its Rates. Council has received new adjustment factors for properties this year.

Overall property values are up approximately 22% on average across the municipal area. Primary production properties have seen the most substantial increase in property values.

Council does not collect more rates as a result of these changes, however what does occur is a change in the distribution of the rate burden between properties.

All properties are impacted differently. Property values that go up more than the average pay more. Property valuations that have gone up by less than average pay less.

Of the 8,141 rateable properties in the municipal area, 3,060 will receive an increase greater than the 3.81% applied by Council, whilst 5,081 will receive an increase less than 3.81%.

Ratepayers are reminded of Council's Financial Hardship Policy. Any ratepayer experiencing difficulty paying their rates and charges is encouraged to contact Council.

#### **Financial Position**

Council's financial position is strong, and Council is well-positioned to meet its financial obligations comfortably.

The net worth of the Council to the community is expected to increase by \$4.187m to \$276.566m. This is attributable to the Council's ongoing commitment to capital improvements and capital grant funding estimates of \$3.696m.

#### **Cash and Investments**

Estimating cash flows for Council is a critical factor in setting the estimates. Council ensures that it retains enough cash in reserve to respond to volatility. It must also ensure that it accumulates and maintains enough financial resources to pay for its financial obligations as and when they fall due.

Council has a target to retain \$4m on hand as of 30 June each year. The budgeted cash on hand as of 30 June 2023 is \$4.042m.

#### **Borrowings**

No new borrowings have been included in the 2022/23 budget estimates.

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## Capital Works

The Estimates continue with Council's ambitious plan to deliver on Master Plans and Strategies set in consultation with the community.

This year's capital works expenditure is \$11.411m which includes \$4.833m in new infrastructure spending, \$4.435m in asset renewals, and \$2.142m on upgrading existing assets. Council will receive \$3.696m in capital grant funding.

Renewal expenditure has been prioritised in line with Councils Asset Management Plans ensuring that current services provided are maintained to the standard that residents are accustomed.

## STATUTORY IMPLICATIONS

### Statutory Requirements

The *Local Government Act 1993* outlines the responsibility of Council in relation to the preparation, adoption and implementation of its Annual Plan and Budget Estimates as follows:

#### *Annual plan*

71. (1) *a council is to prepare an annual plan for the municipal area for each financial year.*

(2) *An annual plan is to –*

- (a) Be consistent with the strategic plan; and*
- (b) Include a statement of the manner in which the council is to meet the goals and objectives of the strategic plan; and*
- (c) Include a summary of the estimates adopted under section 82; and*
- (d) Include a summary of the major strategies to be used in relation to the council's public health goals and objectives.*

(3) *As soon as practicable after a council adopts an annual plan, the general manager is to –*

- (a) Make a copy of the annual plan available for public inspection at the public office during ordinary business hours; and*
- (b) Provide the Director of Local Government and the Director of Public Health with a copy of the annual plan.*

#### *Estimates*

82. (1) *the General Manager must prepare estimates of the council's revenue and expenditure for each financial year.*

(2) *Estimates are to contain details of the following:*

- (a) The estimated revenue of the council;*
- (b) The estimated expenditure of the council;*
- (c) The estimated borrowings by the council;*
- (d) The estimated capital works of the council;*
- (e) Any other detail required by the Minister.*

(3) *Estimates for a financial year must –*

- (a) Be adopted by the council, with or without alteration, by absolute majority; and*
- (b) Be adopted before 31 August in that financial year; and*
- (c) Not be adopted more than one month before the start of that financial year.*

(4) *A council may alter by absolute majority any estimate referred to in subsection (2) during the financial year.*

(5) *A council may make adjustments to individual items within any estimate referred to in subsection (2) by a simple majority so long as the total amount of the estimate is not altered.*

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(6) A council, by absolute majority, may authorise the general manager to make minor adjustments up to specified amounts to individual items within any estimates referred to in subsection (2) so long as the total amount of the estimate is not altered.

(7) The general manager is to report any adjustment and an explanation of the adjustment at the first ordinary meeting of the council following the adjustment.

Part 9 of the *Local Government Act 1993* applies to Council's consideration of the rating provisions, in particular sections 90, 93 and 94 of the Act.

#### *General Rate*

(90) (1) A council may, not earlier than 1 June and not later than 31 August in any year, in respect of each financial year, make one general rate for that year on all rateable land in its municipal area.

(2) A council may make a general rate on rateable land whether or not it provides any services in respect of that land.

(3) A general rate is to be based on one of the following categories of values of land:

(a) The land value of the land;

(b) The capital value of the land;

(c) The assessed annual value of the land.

(4) In making a general rate, a council may set a minimum amount payable in respect of that rate if that rate does not include a fixed charge.

(5) A minimum amount payable in respect of a general rate may not be set by a council under subsection (4) if the minimum amount would –

(a) in respect of the 2012-2013 financial year, apply to more than the relevant percentage in respect of the council, as determined under section 89B for that financial year, of the number of areas of land that is rateable land to which no variation under section 107 of the general rate applies; or

(b) in respect of any other financial year, apply to more than the relevant percentage in respect of the council, as determined under section 89B for that financial year, of the number of areas of land that is rateable land to which no variation under section 107 of the general rate applies.

#### *Service Rate*

93 (1) A council may make a service rate for a financial year on rateable land for any, all or a combination of the following services:

(a) .....

(b) .....

(c) Nightsoil removal;

(d) Waste management;

(e) Stormwater removal;

(f) Fire protection;

(g) Any other prescribed service.

(2) A service rate for a financial year is to be based on the same category of value of land as the general rate is based on under section 90(3) for that financial year.

(3) In making a service rate, a council may set a minimum amount payable in respect of that rate.



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(4) A council must not make a service rate for a service referred to in subsection (1) in respect of land owned by the Crown if the council does not supply that service to that land.

(5) For the purpose of this Part, establishing, managing, providing or rehabilitating waste management facilities is to be taken to be part of

(a) a waste management service; and

(b) the supplying, or making available, of waste management services to land.

#### Service Rate for Fire Protection

93A (1) A council may make a service rate or several service rates in respect of the fire service contributions it must collect under the Fire Service Act 1979.

(2) A service rate or service rates made under subsection (1) must be for the contribution specified in a notice issued under section 81B of the Fire Service Act 1979.

#### Service Charge

94 (1) In addition to, or instead of, making a service rate under section 93, a council, when making a general rate in respect of a financial year, may make a separate service charge for that financial year for any or all of the services specified in that section which the council supplies or makes available.

(2) .....

(2A) .....

(3) A council may, by absolute majority, declare that a service charge varies within different parts of the municipal area according to any or all, or a combination of any or all, of the factors specified in section 107.

(3A) In addition to the powers conferred on a council under subsection (3), a council may, by absolute majority, vary a service charge according to the level of service provided.

(4) A council must not make a service charge for a service referred to in section 93(1) in respect of land owned by the Crown if the council does not supply that service to that land.

## STRATEGIC IMPLICATIONS

### Strategic Plan Reference

<b>GOAL 1: Leadership and Governance</b>
<b>Desired Outcomes</b>
We make publicly transparent decisions on spending and future directions while encouraging community feedback.
<b>Our Priorities</b>
1.6 Maintain accountability by ensuring council decisions are evidence based and meet all legislative obligations.
1.8 Review and adjust service levels to provide value for money.
1.9 Collaborate with, understand and satisfy our external customers' needs and values.



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## Sustainable Murchison Community Plan 2040

<b>Community Future Direction Theme</b>	<b>Key Challenges &amp; Opportunities:</b>
<b>Strong communities and social capital</b>	<b>Enduring community capital</b> – Growing, proud, self-reliant communities that are inclusive and engaged with volunteers and shared facilities.
<b>Access and infrastructure</b>	<b>Local, regional and global transport and infrastructure access</b> – Safe and efficient access alternatives, growing freight capacity, renewable energy, water management and contemporary communications. Community infrastructure that supports economic development.
<b>Place making and liveability</b>	<b>Liveable places for all ages</b> – 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.
<b>Governance and working together</b>	<b>Working together for Murchison</b> – 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**

Related policies include Councils Rates and Charges Policy and the Financial Management Strategy 2021-2031.

### **FINANCIAL IMPLICATIONS**

The financial implications are outlined throughout the document.

### **RISK IMPLICATIONS**

Legislative compliance - Council has a statutory requirement to annually adopt its Annual Plan and Budget Estimates by 31 August each year.

Council financial sustainability risks are managed through the Financial Management Strategy (FMS) which is updated on an annual basis. The budget estimates achieve the targets and philosophies contained in the FMS, and Council can demonstrate that it is sustainable both now and in the medium to long term

### **CONSULTATION PROCESS**

The preparation of the annual plan and budget estimates begins with staff preparing the operating and capital components during January and February. Draft estimates are then prepared, and various options are considered by Council at informal briefings (workshops) from March through until June.


### **CONCLUSION**

The Annual Plan is a comprehensive document that endeavours to clearly outline the goals and objectives for the coming year and is a legislative requirement of Council.

It is recommended that Council adopts the Annual Plan and Budget Estimates as presented.

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## 9.2 RATES AND CHARGES POLICY REVIEW

To: Council  
Reporting Officer: Director Organisational Performance  
Responsible Manager: Director Organisational Performance  
Report Date: 5 April 2022  
File Reference: Governance - Policy - Council Policies  
Enclosures: 1. Rates and Charges Policy 

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### RECOMMENDATION

**That Council adopt the revised Rates and Charges Policy as presented;**

### PURPOSE

This report has been prepared for Council to consider the proposed changes to the Rates and Charges Policy.

### BACKGROUND

In accordance with legislation, Council's Rates and Charges Policy must be updated on a regular basis. Council in practice reviews the Policy as a part of its annual plan and budget deliberations.

Section 86 of the Local Government Act 1993 (the Act) requires councils to implement rates and charges policies to provide transparency in decision making and to educate their communities about how revenue is raised. Council is also required to review its rates policy following any major changes to rates charges.

### DETAILS

The Rates and Charges Policy outlines Council's approach towards rating its community. The Policy is reviewed annually to ensure that it reflects the current policy position of Council and is made publicly available on Council's website.

There is one proposed revision to Council's Rates and Charges Policy this year relating to the additional of the state waste landfill levy. Details of the change are shown below:

Existing Policy	Proposed Addition
Nil.	<u>3.4.5 State Waste Landfill Levy</u> Council charges a State Waste Landfill Levy to recover the cost of the landfill levy imposed on Council under the <i>Waste &amp; Resource Recovery Act 2022</i> .

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## STATUTORY IMPLICATIONS

### Statutory Requirements

The following Local Government Act 1993 has application to Rates and Charges matters:

#### **General principles in relation to making or varying rates are:**

- 86A.** (1) *A council, in adopting policies and making decisions concerning the making or varying of rates, must take into account the principles that –*
- (a) *rates constitute taxation for the purposes of local government, rather than a fee for a service; and*
  - (b) *the value of rateable land is an indicator of the capacity of the ratepayer in respect of that land to pay rates.*

#### **Rating and charging policies to be made available to public**

- 86B.** (2) *A council's rates and charges policy must contain–*
- (a) *a statement of the policy that the council intends to apply in exercising its powers, or performing its functions, under this Part; and*
  - (b) *a statement of policy in respect of prescribed matters, if any.*
- (3) *A council's rates and charges policy in relation to the making or varying of a rate must take into account the principles referred to in section 86A(1).*
- (4) *A council must review its rates and charges policy–*
- (a) *by the end of each successive 4-year period after 31 August 2012; and*
  - (b) *at the same time as, or before, making a type of rate, charge or averaged area rate in respect of a financial year, if a rate, charge or averaged area rate of that type was not made in respect of the previous financial year; and*
  - (c) *at the same time as, or before, making under section 107 a variation of a rate or charge in respect of a financial year, if such a variation of that rate or charge was not made in respect of the previous financial year; and*
  - (d) *at the same time as, or before, setting a minimum amount under this Part; and*
  - (e) *at the same time as, or before, altering the circumstances in which a rate, charge or averaged area rate, or a variation of a rate or charge, is to apply to rateable land.*
- (5) *A council, as soon as reasonably practicable after adopting or altering its rates and charges policy, must make copies of the policy as so adopted or altered available to the public–*
- (a) *in paper form, on payment of a reasonable charge; and*
  - (b) *in electronic form, at a website of the council, free of charge.*

## STRATEGIC IMPLICATIONS

### Strategic Plan Reference

<b>GOAL 1: Leadership and Governance</b>
<b>Desired Outcomes</b>
We cherish fairness, trust and honesty in our conduct and dealings with all.
<b>Our Priorities</b>
1.6 Maintain accountability by ensuring council decisions are evidence based and meet all legislative obligations.

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## Sustainable Murchison Community Plan 2040

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

### **POLICY IMPLICATIONS**

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

### **ENVIRONMENTAL IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications of this report.

### **RISK IMPLICATIONS**

There is some reputational risk to Council when making adjustments to Rates and Charges Policy. The proposed changes support the principles of equity and fairness in the application of rates and charges.

The ability to collect rates and charges effectively reduces the financial risk of non-payment of rates and charges to Council. The proposed change outlined in this report reduce the risk to Council.

### **CONSULTATION PROCESS**


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

### **CONCLUSION**

That Council adopt the revised FIN.005 Rates and Charges Policy as presented; and the revised Debt Management Policy as presented.

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### 9.3 STRATEGIC ASSET MANAGEMENT PLAN (SAMP) 2021

To: Council  
Reporting Officer: Manager Asset Services  
Responsible Manager: Director Infrastructure and Development Services  
Report Date: 7 June 2022  
File Reference: SAMP  
Enclosures: 1. WWC Strategic Asset Management Plan 2022 

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#### RECOMMENDATION

**That Council adopt the Strategic Asset Management Plan (SAMP) 2022.**

#### PURPOSE

To seek Council adoption of the Strategic Asset Management Plan (SAMP) 2022.

#### BACKGROUND

Waratah-Wynyard Council is committed to sustainable and affordable service delivery into the future.

A strategic and coordinated, organisation-wide approach to asset management and service delivery is critical. This is achieved through the development of an asset management framework where the organisation's Financial Management Strategy (FMS) is meaningfully integrated with its Strategic Asset Management Plan (SAMP) to inform Council's ongoing resourcing decisions via the Strategic planning and annual budget process.

In this way, Council can provide a transparent, accountable and evidence-based approach to the provision of value-for-money services. This approach will allow Council to communicate the service level and risk consequences of various funding scenarios as it engages with the community to identify agreed levels of service.

#### DETAILS

Waratah Wynyard Council is responsible for the acquisition, operation, maintenance, renewal and disposal of an extensive range of physical assets with a replacement value in excess of \$274,000,000.

The assets covered by 2021/22 – 2030/31 SAMP include roads, bridges, footpaths, stormwater drainage, buildings, open space & recreation, solid waste and associated operating assets and provide services essential to our community's quality of life.

This SAMP takes the organisational objectives in the Strategic Plan and Asset Management Policy and develops the asset management objectives, principles, framework and strategies required to achieve organisational objectives. The plan summarises activities and expenditure projections from individual asset management plans to achieve the asset management objectives.

It is expected that this document will undergo significant review and updating on an annual basis over the next few years as the quality of information improves and the level of integration with the long-term financial planning process increases.

This Strategic Asset Management Plan supersedes the previous plan (2021). The status of improvement plan items identified in previous plans are shown in the table below:

Task No	Task	Responsibility	Resources Required	Timeline
AMMA* 14	Develop and progress 2022/23 annual work plan for Asset Management Steering Committee	AM Steering Committee	Staff Time	2022/23
AMMA* 15	Review membership and process of current monthly Capital Progress meeting for greater focus on capital take-on	AM Steering Committee	Staff Time	2022/23
AMMA* 15	Include life-cycle cost implications (e.g. in % rates terms) alongside capital program during workshops	AM Steering Committee	Staff Time	2022/23
AMMA* 15	Review current capital take-on process with a view to improving asset management & financial management outcomes	AM Steering Committee	Staff Time	Annually
AMMA* 19	Ensure technical LPOS are incorporated, monitored and reported at an operational level (1 <sup>st</sup> cut zero-based budgeting for Works & Services)	AM Steering Committee	Staff Time	2022/23
AMMA* 23	Mapping assets against the GL (Function Code project) for better data integrity between Conquest and Authority	AM Steering Committee	Staff Time	2022/23
AMMA* 23	Bring non-infrastructure assets across to Authority for asset management (do not need to be in Conquest)	AM Steering Committee	Staff Time	2022/23
AMMA* 23	Targeted asset data review of useful lives (eg "Heritage Assets", Furniture & Fittings)	AM Steering Committee	Staff Time	2022/23
AMMA* 24	Annual Plan Action to resume Review of Corporate Asset System (assessment, planning and costing for 2022/23 Budget bid)	AM Steering Committee	Staff Time	2022/23
1	Improve confidence of capital works forecasting (10 year works plan) with particular focus on years 1-3	Whole of Council	Staff Time	2022/23
2	Continue development of formal service levels	Whole of Council	Staff Time	2022/23
AMMA* 26	Prepare or complete inspection manuals for all major asset classes – Stormwater Asset Class.	Infrastructure and Development	Staff Time	2022/23
AMMA* 31	Undertake a sample-based internal audit to assess service level compliance – Roads Service Levels	Infrastructure and Development	Staff Time	2022/23

Task No	Task	Responsibility	Resources Required	Timeline
v	Revision of Asset Management Plans – Stormwater Asset Class	Whole of Council AMP custodians	Staff Time	2022/23
vii	Review asset valuation methodologies including external benchmarking across all asset classes – Stormwater Asset Class	Infrastructure & Corporate Services	Staff Time	2022/23

Note: \* AMMA refers to the Asset Management Maturity Assessment (2019/20)

## STATUTORY IMPLICATIONS

### Statutory Requirements

The *Local Government Act 1993* Section:

#### **70B. Long-term strategic asset management plans**

(1) A council is to prepare a long-term strategic asset management plan for the municipal area.

(2) A long-term strategic asset management plan is to relate to all assets that are within a class of assets specified in an order under section 70F(3) to be major assets.

(3) A long-term strategic asset management plan is to be in respect of at least a 10 year period.

(4) A long-term strategic asset management plan for a municipal area is to –

(a) be consistent with the strategic plan for the municipal area; and

(b) refer to the long-term financial management plan for the municipal area; and

(c) contain at least the matters that are specified in an order made under section 70F as required to be included in a long-term strategic asset management plan.

#### **70D. Asset management strategies**

(1) A council is to prepare an asset management strategy for the municipal area.

(2) An asset management strategy for a municipal area is to –

(a) be consistent with the strategic plan for the municipal area; and

(b) contain at least the matters that are specified in an order made under section 70F as required to be included in an asset management strategy.

## STRATEGIC IMPLICATIONS

### Strategic Plan Reference

<b>GOAL 1: Leadership and Governance</b>
<b>Desired Outcomes</b>
We maintain and manage our assets sustainably.
<b>Our Priorities</b>
1.8 Review and adjust service levels to provide value for money.

<b>GOAL 4: Community Recreation and Wellbeing</b>
<b>Desired Outcomes</b>

We provide recreational opportunities to the community for all ages and abilities.
<b>Our Priorities</b>
4.1 Commit to ongoing recreation and open space planning to ensure evidence-based decisions are made about the role of Council and its partners in recreation.
4.4 Provide and maintain quality and safe places and spaces for physical, social and cultural activities, including shared and multi-use facilities where possible.

<b>GOAL 6: Transport and Access</b>
<b>Desired Outcomes</b>
Our transport and access network can accommodate the changing needs of our industry and community.
Our transport and access network is sustainable, affordable and fit for purpose.
<b>Our Priorities</b>
6.1 Plan for a priority access network for freight.
6.2 Plan for all movements and modes of transport with a fit-for-purpose network.
6.3 Develop service levels to inform the delivery of a transport network that affordably meets demand and transparently communicates accepted risk.
6.4 Prioritise and address service gaps with a road hierarchy.

### Sustainable Murchison Community Plan 2040

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

### **POLICY IMPLICATIONS**

Council's Asset Management Policy is integral in this instance.

### **FINANCIAL IMPLICATIONS**

The projected operating outlays necessary to provide the services covered by this Strategic Asset Management Plan (including operations, maintenance and renewal of existing assets and planned new/upgrade assets over the 10 year planning period) is \$12.5 million on average per year.

Significant levels of new/upgrade capital expenditure forecast over this period also means a proportional increase over current levels of operational and maintenance expenditures into the future. Ways to manage this are to continue to review forecast revenue and/or service levels expenditures via exploration of alternate funding scenarios in the Financial Management Strategy.



As indicated in the SAMP document the confidence level associated with these projections has been assessed as (C) Uncertain. The confidence level will improve with each annual iteration and update of both the Financial Management Strategy & the Strategic Asset Management Plan.

## RISK IMPLICATIONS

The decisions made in adopting this SAMP are based on the objective to achieve the optimum benefits from the available resources.

An assessment of risks associated with service delivery from infrastructure assets identifies critical risks that will result in loss or reduction in service or a 'financial shock'. The risk assessment process identifies credible risks, the likelihood of the risk event occurring, the consequences should the event occur, develops a risk rating, evaluates the risk and develops a risk treatment plan for non-acceptable risks.

At present budget levels there are a number of risks to be considered by Council as either acceptable or not acceptable in the medium term. Critical risks (high or very high ratings) and their treatment plans are shown in the following table:

Service or Asset at Risk	What can Happen	Risk Rating (VH, H)	Risk Treatment Plan
<b>BUILDINGS</b>			
Athenaeum Hall (heritage listed), Waratah	<ul style="list-style-type: none"> <li>• Aged asset in poor condition. Costly to fix.</li> <li>• Has associated reputational risk</li> <li>• Windows leaking creating damage</li> <li>• Doors rotting - security issue</li> <li>• Birds in roof</li> </ul>	H	<ul style="list-style-type: none"> <li>• Independent assessment</li> <li>• Fund recommended repair works</li> </ul>
Wynyard Council Office Air Conditioner	<ul style="list-style-type: none"> <li>• Inconsistent temperature control.</li> <li>• Possible unit failure.</li> <li>• Inadequate for purpose</li> </ul>	H	<ul style="list-style-type: none"> <li>• Independent assessment of replacement options</li> <li>• Schedule/fund replacement</li> </ul>
Langley Park Clubrooms Upstairs Social Space Access, Somerset	<ul style="list-style-type: none"> <li>• Not DDA compliant</li> <li>• Exposed to complaints</li> <li>• Reputational risk</li> </ul>	H	<ul style="list-style-type: none"> <li>• Schedule upgrade</li> <li>• Alternately, consider relocation and construction of single level asset as per OSSRP</li> </ul>
Wynyard Squash Centre	<ul style="list-style-type: none"> <li>• Not DDA compliant</li> <li>• Exposed to complaints</li> <li>• Reputational risk</li> </ul>	H	<ul style="list-style-type: none"> <li>• Schedule upgrade</li> </ul>
Various Buildings Not On Council Key System	<ul style="list-style-type: none"> <li>• Key copying is uncontrolled leading to security issues</li> </ul>	H	<ul style="list-style-type: none"> <li>• Move to Council key system over time</li> </ul>

Service or Asset at Risk	What can Happen	Risk Rating (VH, H)	Risk Treatment Plan
Council Key System Patent & Issuing of Keys	<ul style="list-style-type: none"> <li>Patent expired</li> <li>Potential for uncontrolled key copying leading to security issues</li> <li>Unauthorised access to Council buildings"</li> </ul>	H	<ul style="list-style-type: none"> <li>Maintain and continue to review the key register</li> <li>Replace key system and revise key procedures</li> <li>Internal &amp; external training</li> <li>Explore alternate locking systems</li> </ul>
Somerset Tennis Courts Clubroom	<ul style="list-style-type: none"> <li>Damage due to flooding and/or coastal erosion in the future</li> </ul>	H	<ul style="list-style-type: none"> <li>Consider defence of facility or a plan for relocation of the asset as per OSSRP</li> </ul>
Somerset Surf Lifesaving Clubroom	<ul style="list-style-type: none"> <li>Damage due to flooding and/or coastal erosion in the future</li> </ul>	H	<ul style="list-style-type: none"> <li>Defence or relocation of building in the future</li> </ul>
<b>PARKS, RESERVES AND SPORTING GROUNDS</b>			
Somerset All Abilities Playground (incl. carparking)	<ul style="list-style-type: none"> <li>Damage due to flooding and/or coastal erosion</li> </ul>	H	<ul style="list-style-type: none"> <li>Coastal erosion defence works (in planning phase)</li> </ul>
Coastal Pathway	<ul style="list-style-type: none"> <li>Damage due to flooding and/or coastal erosion</li> </ul>	H	<ul style="list-style-type: none"> <li>Coastal erosion defence works (in planning phase)</li> </ul>
Playgrounds (various locations)	<ul style="list-style-type: none"> <li>Failure due to age or vandalism causing injury</li> </ul>	H	<ul style="list-style-type: none"> <li>Prioritise action</li> <li>Remove or renew</li> <li>More frequent inspections</li> </ul>
River Track	<ul style="list-style-type: none"> <li>Infrastructure is susceptible to erosion or flood.</li> </ul>	H	<ul style="list-style-type: none"> <li>Forward renewals of infrastructure are planned in the context of flood or erosion susceptibility.</li> </ul>
Boat Harbour Northern Bay Seawall	<ul style="list-style-type: none"> <li>Historical fill may contain hazardous materials</li> </ul>	H	<ul style="list-style-type: none"> <li>Rebuild the seawall (capital works planned)</li> </ul>
Timber & Replas Boardwalks (various locations)	<ul style="list-style-type: none"> <li>Get slippery during winter creating slip hazard potentially causing injury</li> </ul>	H	<ul style="list-style-type: none"> <li>Increase signage</li> <li>Education of users</li> <li>Replace with slip resistant materials (e.g. East Wynyard Foreshore Plan)</li> <li>Close boardwalks</li> </ul>
Inglis River Mouth Breakwater (Crown Land & Asset)	<ul style="list-style-type: none"> <li>Continued undermining forming sink holes and leading to failure of breakwater, with associated risk of shoreline erosion and property damage</li> </ul>	H	<ul style="list-style-type: none"> <li>Continue periodic back-filling</li> <li>Full renewal of breakwater and retaining wall</li> </ul>
Public Pontoon Balustrade	<ul style="list-style-type: none"> <li>non-compliant - potential for injury</li> </ul>	H	<ul style="list-style-type: none"> <li>Upgrade railing to comply with current standard</li> </ul>

Service or Asset at Risk	What can Happen	Risk Rating (VH, H)	Risk Treatment Plan
Cam River Reserve Vehicular Access & Pedestrian Walkways	<ul style="list-style-type: none"> <li>• Pedestrians and vehicles in the same area with potential for injury</li> </ul>	H	<ul style="list-style-type: none"> <li>• Exclude traffic from reserve as adopted in the Cam River Master Plan</li> </ul>
Fence at Boat Harbour Beach Playground	<ul style="list-style-type: none"> <li>• Fence is non-compliant - climbable and has potential for fall onto hard surface causing injury</li> </ul>	H	<ul style="list-style-type: none"> <li>• Upgrade fence in short term to comply with current standard</li> <li>• Relocate playground through Boat Harbour Beach Master Plan development</li> </ul>
Unrecognised Assets	<ul style="list-style-type: none"> <li>• Understated depreciation</li> <li>• Asset renewals unable to be identified from asset register</li> </ul>	H	<ul style="list-style-type: none"> <li>• Audit and recognition of all open space assets</li> </ul>
<b>TRANSPORT</b>			
Port Road, Boat Harbour	Landslip	H	Consider recommended work from Geotech. Watch and monitor
Sisters Beach Road	Tree Fall	H	Measure movement. Watch and monitor
South Elliott Road	Landslip	H	Watch and monitor
Deaytons Lane	Landslip	H	Watch and monitor
Reservoir Drive	Landslip	H	Watch and monitor
Lowries Road	Landslip	H	Watch and monitor
Old Bass Highway	Coastal erosion	H	Watch and monitor
<b>URBAN STORMWATER</b>			
Big Creek / Stanwyn Court	Flooding of dwellings	H	<ul style="list-style-type: none"> <li>• Detention basin upstream (dam)</li> </ul>
Port Creek	Flooding of dwellings	H	<ul style="list-style-type: none"> <li>• Widening of creek and levee construction along with flow diversions</li> </ul>

## CONSULTATION PROCESS

Key staff across the organisation, Councillors and industry experts have all been consulted in the process of reviewing and developing this document. The results from Council's 2016 and 2019 Community Satisfaction surveys were also included.

Future versions and updates will incorporate more input and consultation from the community as the Council undertakes rolling services reviews. These rolling service reviews will be based upon the three guiding principles of good governance: transparency,

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accountability and evidence-based decision-making with the aim of providing sustainable, value-for-money services.

**CONCLUSION**

It is recommended that the Council adopt the Strategic Asset Management Plan 2022. This will provide forward direction and certainty for the provision of infrastructure related services.

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## 9.4 OLDINA RESERVE

To: Council  
Reporting Officer: Director Community and Engagement  
Responsible Manager: General Manager  
Report Date: 1 June 2022  
File Reference: 11  
Enclosures: 1. feedback on the draft Oldina Forest Reserve Concept Plan



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### RECOMMENDATION

#### That Council:

1. **Note the feedback on the draft Oldina Forest Reserve Concept Plan; and**
2. **Facilitate a stakeholder group to consider future use of the Oldina Forest Reserve.**

### PURPOSE

To consider the feedback received relating to the draft Oldina Forest Reserve Concept plan and facilitate establishment of a stakeholder group to consider future potential use of the Oldina Forest Reserve.

### BACKGROUND

Some years ago, the Oldina Forest Reserve was a public recreation space before closure by Sustainable Timber Tasmania (STT). The land, owned by STT, is situated on Oldina Road at Wynyard and consists of open space, forest, roadways and informal riding/recreation tracks. The area is not currently maintained to a standard for public access. As a result, the site has deteriorated due to vandalism and storm damage.

This site has many fond memories for the Wynyard and broader northwest community and there has been an increasing desire to see the site returned to an active community recreation space.

Council was advised that the Inglis Pony Club was considering options for a relocation from the current site at the Frederick Street Reserve to facilitate increased options for cross country events and activities. In May 2021 Council officers entered discussions with the Inglis Pony Club to ascertain if the Oldina Forest Reserve was a potential option for relocation of the club. Sustainable Timber Tasmania were included in the discussions as the site manager.

### DETAILS

A draft concept plan was developed for broad community consultation. The Inglis Pony Club, Sustainable Timbers Tasmania and Timberlands Pacific as key stakeholders.

Consultation and engagement on the draft Concept plan included:

#### Website

22 February 2022 – **Have Your Say** page on the website. There were 3253 views to the page and 35 entries for feedback through the website



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## Social media

23 February 2022 – social media announcement for the Oldina Road concept plan (Facebook, LinkedIn, Twitter).

5 March, 7 March, 9 March, 10 March 2022– social media posts regarding the listening posts and concept plan.

## Listening Posts

9 March 2022– Council – 1 person attended

10 March 2022 – outside Woolworths – approximately 15 people consulted with around 7 written responses

Consultation closed on 1 April



The attachment to the report provides all feedback received with respondents de-identified.

Overall, there was a good level of engagement with responses both succinct and detailed. Respondents provided a range of ideas with many clarifying questions and statements which provided a broad range of views and thoughts.

The key themes from the feedback could be summarised as:

- **Positive for the Pony Club** – good support for development of improved equestrian activities on the site.
- **Good location for development** – the site is seen an ideal location for a range of recreational activities.
- **Return of much-loved place in Wynyard** – there is genuine desire to reinvigorate the area for public access and amenity.
- **Opportunities for much broader uses** – comments included a desire for broader access for activities beyond Pony Club, including, mountain bikes and motor bike tracks.
- **Public access** – access to the site for public for unstructured recreation is desirable.
- **Could be hub for many activities** – some comments highlighted the potential for the area to cater for both existing and new uses that complement the area.
- **Formalising current uses including trails** - there are currently informal users of the area such as mountain bikes, motor bikes and horse trail riding. These existing activities need to be considered.
- **Impact on sensitive environment** – impacts on sensitive species and the natural flora and fauna was highlighted as a consideration, the impacts of trails, introduction of weeds and management of the natural values of the area are important to the overall appeal of the area.

- **Scale of development too large** – issues raised in relation to the scale of development in the Concept Plan and the investment required and ability of users to maintain the site.
- **Access** – Safety concerns relating to access into the site off the main road, access by informal users, limits on public access.
- **Conflicts between users** – Trails being accessed by horses, mountain bikes and motor bikes.
- **Vandalism** – concerns with the current level of vandalism, including burnt car bodies, deterioration of the natural values of the site and strategies to address this.
- **Cost** – where will the capital investment come from and operational costs such as maintenance?
- **Ability to manage site** – some concerns relating to capacity of a small club to manage and maintain the site.
- **Access limited to one group** – desire for the area to have open access to a range of users and the general public not exclusive use for one club.
- **Hooning** – this is seen as a current issue with concerns that open access will increase this.

The level of community engagement in the consultation has demonstrated a genuine desire within the community for the Oldina Forest Reserve to be revitalised as an open recreation space for user groups and the public. The feedback indicates a variety of thoughts around how the area could be used and the importance of this place to the Wynyard community.

The Inglis Pony Club and Sustainable Timbers Tasmania have worked in partnership with Council to develop and present the Draft Oldina Forest Reserve Concept Plan for community consultation. This work was initiated to determine if the activities of the Inglis Pony Club could be relocated to Oldina Forest Reserve as an anchor club on the site.

At the conclusion of the consultation period the Inglis Pony Club advised Council that they no longer felt they had the capacity to progress with the proposed draft Concept Plan. The Club has participated in this process and enabled a community dialogue to be had which has provided the foundation feedback to inform the next steps.

It is proposed the information from the consultation process be considered by a stakeholder group consisting of key stakeholders. Including Sustainable Timbers Tasmania and Timberlands Pacific, Council and community members. Council would provide a facilitation role as part of this group.

## **STATUTORY IMPLICATIONS**

### Statutory Requirements

Nil

### Strategic Plan Reference

<b>GOAL 4: Community Recreation and Wellbeing</b>
<b>Desired Outcomes</b>
4.2 Our community values, encourages and supports physical, social and cultural activities.
<b>Our Priorities</b>
4.1.1 Collaborate with community organisations that provide recreation opportunities to our community.



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## Sustainable Murchison Community Plan 2040

<b>Community Future Direction Theme</b>	<b>Key Challenges &amp; Opportunities:</b>
<b>Strong communities and social capital</b>	<b>Enduring community capital</b> – Growing, proud, self-reliant communities that are inclusive and engaged with volunteers and shared facilities.
<b>Health and Wellbeing</b>	<b>Maintaining good health and wellbeing</b> – Healthy communities, people taking responsibility for their wellness, convenient access to medical services and facilities.
<b>Place making and liveability</b>	<b>Liveable places for all ages</b> – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.

### **POLICY IMPLICATIONS**

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

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications as a result of this report however there are environmental considerations that need to be taken into account by the Stakeholder Group when considering the feedback.

### **FINANCIAL IMPLICATIONS**

Council does not own the Oldina Reserve. Any plans to restore or redevelop the site will need careful consideration to clearly ascertain any expectation of Council contribution. The proposed meeting will only incur expenses of staff time.

### **RISK IMPLICATIONS**

There are risks that Council is being manoeuvred into a position of responsibility in relation to the Oldina Reserve. It is not a Council asset and Council has no obligation to undertake any planning or improvements to the site. Any decision to participate in the planning process would be done so to assist the community in relaying their thoughts to STT.

### **CONSULTATION PROCESS**

Consultation to date has been outlined in this report.

The proposed motion to establish a stakeholder group will provide an opportunity for key stakeholders and community members to consider potential future use of the Oldina Forest Reserve. This further consultation process will rely on ongoing discussions with STT.

### **CONCLUSION**

Public consultation on the draft Oldina Forest Reserve Concept Plan has delivered a range of views about the future of the site. One thing that is clear is the desire of the community to see this area returned to a vibrant recreation space. There are further discussions to occur given the feedback and the withdrawal of the Inglis Pony Club as a potential occupant.

Council will have a facilitation role to support further conversations with a Stakeholder Group.

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## 9.5 DRAFT BALLAD AVENUE RECREATION RESERVE OPTIONS PAPER - FEEDBACK FOR NOTING

To: Council  
Reporting Officer: Manager Recreational Planning and Environment  
Responsible Manager: Director Infrastructure and Development Services  
Report Date: 2 June 2022  
File Reference:  
Enclosures: 1. Draft Ballad Avenue Options Paper - Feedback Received



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### RECOMMENDATION

#### That Council

- 1) note the feedback received on the Draft Ballad Avenue Recreation Reserve Options Paper; and
- 2) further consider and analyse options at a future workshop

### PURPOSE

The purpose of this report is to advise Council of the results from the consultation process conducted on the Ballad Avenue Recreation Options Paper.

### BACKGROUND

Following a public consultation process, Council, at its meeting held 21 April 2021, resolved to proceed with the sale of 0 Ballad Avenue. Before determining the most appropriate disposal method, Council authorised the General Manager to undertake an expression of interest process for the sale and development of the land for residential purposes.

Informal advice was then received from the Wynyard Landcare Group (via a Facebook post) to advise the site contained protected species, Eucalyptus Brookeriana. Subsequently council officers obtained an environmental assessment from a third-party.

This resulted in Council resolving at its 15 November 2021 to:

1. Note the Flora and Fauna Assessment Report for 0 Ballad Avenue, Wynyard;
2. Instruct Council Officers to register the natural values identified at the site with the Department of Primary Industries, Parks, Water and Environment (DPIPWE) to inform future development compliance;
3. Instruct Council Officers to continue to undertake appropriate weed containment management measures to prevent the spread and future occurrence of controlled weeds; and
4. Defer the expression of interest for sale or development of the land for residential purposes in order to undertake an assessment into the site's suitability for other public recreational uses whilst preserving the natural values identified in the flora and fauna assessment.

An independent assessment of the land was then undertaken to identify and investigate the alternative public recreational uses for Ballad Avenue reserve. The findings of this work were tabled at the 21 March 2022 council meeting and then released for feedback for a period of five (5) weeks.

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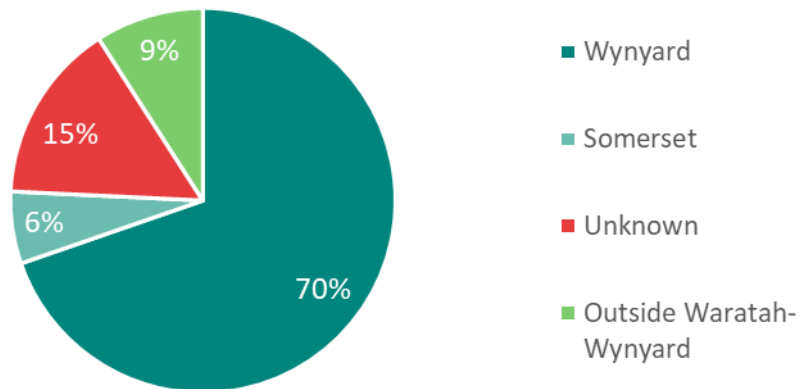
## DETAILS

The community were asked to provide their feedback in relation to the proposal to include both a freedom camping site and off-leash dog park at the Ballad Avenue reserve.

A total of 34 individual responses were received by Council as part of the consultation process on the Draft Ballad Avenue Recreation Reserve Options Paper. This also included an unofficial petition (which does not meet the legislated parameters of a petition under the *Local Government Act 1993*) that contained 30 signatures.

Of noting, feedback distribution by respondent location is as follows:

Feedback Distribution by Location



The feedback results will be analysed and further reviewed in detail to determine the available options and possible impacts. Once complete, the analysis will be provided to the Council to inform the decision-making on this topic.

## STATUTORY IMPLICATIONS

### Statutory Requirements

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

## STRATEGIC IMPLICATIONS

### Strategic Plan Reference

<b>GOAL 1: Leadership and Governance</b>
<b>Desired Outcomes</b>
1.1 We make publicly transparent decisions on spending and future directions while encouraging community feedback.
<b>Our Priorities</b>
1.1.2 Strengthen our communication with the community using diverse communications channels relevant to the demographic.

<b>GOAL 4: Community Recreation and Wellbeing</b>
<b>Desired Outcomes</b>
4.3 We provide recreational opportunities to the community for all ages and abilities.
<b>Our Priorities</b>

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4.3.1 Commit to ongoing recreation and open space planning to ensure evidence-based decisions are made about the role of Council and its partners in recreation.

### Sustainable Murchison Community Plan 2040

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

#### **POLICY IMPLICATIONS**

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

#### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications as a result of noting this feedback.

#### **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**

Feedback was invited on the proposal for the Ballad Avenue Reserve and the feedback provided has been included as an attachment to this report. Any decisions made as a result of the future analysis of the feedback will be communicated to the community, as appropriate.


#### **CONCLUSION**

An analysis of the results and possible impacts of the development of Ballad Avenue will be prepared for Council's consideration.

Until then, it is recommended that the Council note the feedback received on the Draft Ballad Avenue Recreation Reserve Options Paper for consideration.

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## 9.6 SOMERSET SPORTING PRECINCT - OPTIONS REVIEW

To: Council  
Reporting Officer: Manager Recreational Planning and Environment  
Responsible Manager: Director Infrastructure and Development Services  
Report Date: 2 June 2022  
File Reference:  
Enclosures: 1. Somerset Sporting Precinct - Options Review 

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### RECOMMENDATION

#### That Council:

1. **Note the Somerset Sporting Precinct Options Review Report and endorse the recommendations contained within; and**
2. **Defer decision-making on the sporting precinct until 2023, following a targeted consultation and investigation process**

### PURPOSE

The purpose of this report is to note the findings of the Somerset Sporting Precinct Options Review and authorise officers to commence a future consultation and investigation process which will be used to inform future decision-making on the sports precinct.

### BACKGROUND

The Open Space, Sport and Recreation Plan 2017-2027 (OSSR) identified a key opportunity in Somerset to develop a vacant parcel of land adjacent the Somerset Primary School into a shared sporting precinct for Somerset. This required a consolidation of sporting facilities into the proposed area in order to meet the objectives of developing quality and safe spaces as well as enhancing recreation opportunities within the area. An early concept plan within OSSR suggested a facility could be developed to house a combination of sports such as football, cricket, tennis and an indoor basketball/netball court alongside the primary school.

However, since the adoption of OSSR, there has been a significantly greater residential growth within Somerset, and this has resulted in a smaller area available for possible recreational development. As such Council, at its 22 June 2020 meeting, endorsed changes to the Somerset Sports Precinct and adopted the Somerset Soccer Master Plan for upgrading the existing soccer facility.

Following this decision, further work needed to be undertaken to investigate the technical feasibility of relocating to the land adjacent the primary school as well as the option to upgrade the existing facilities at Langley Park. The attached Somerset Sporting Precinct Options Review Report is the result of this body of work.

### DETAILS

The Somerset Sporting Precinct Options Review Report extends the research undertaken during the development of OSSR.

The existing public recreation facility, known as Langley Park, consists of five separate titles and they are all owned by Waratah-Wynyard Council. It is bounded by residential properties to the east of the site and a mixture of residential and crown land ownership south of the site. Road reservation is adjacent the northern and western boundaries.

Currently, football and cricket occupy Langley Park and the Wynyard Somerset Tennis Club occupy a section of Crown Land approximately 500m east of the Langley Park site. Separate facilities are also provided for soccer and indoor sports (such as basketball) within the Somerset township.

The options considered within the review seek to compare the current state (Option 0) with the option of either staying at Langley Park and upgrading the existing facilities (Option 1) or moving to the vacant land adjoining the Somerset Primary School (Options 2 & 3). In doing so, Langley Park could then be sold for future development opportunities. At the time of writing the report, no other viable and accessible options were identified.



A multi-criteria assessment was used to consider the potential benefits, challenges, costs and economic potential for each option. The criteria and weightings used in the assessment are listed below:

CRITERIA	ASSESSMENT TYPE	WEIGHTING
<b>Financial Implications</b> <i>Measured by estimated increase to operational expenditure</i>	Quantitative	25%
<b>Economic Potential</b> <i>Measured by individual assessment of predicted economic benefits</i>	Qualitative	20%
<b>Net Benefits</b> <i>Measured by considering strengths and weaknesses</i>	Qualitative	15%
<b>Risks</b> <i>Measured by individual assessment/perspective of the risks associated with the option</i>	Qualitative	20%
<b>Social Connectivity</b> <i>Measured by individual assessment/perspective of opportunities to connect the sports facility with the community; particularly for accessibility by school-aged children</i>	Qualitative	20%

A panel consisting of seven council officers representing various areas of expertise participated in the evaluation. The result of the analysis is included in the table below:

	Option 0 Do Nothing	Option 1 Minimal Change	Option 2 Houses	Option 3 Hotel
Financial Implications	0	25	9	6
Economic Potential	2	5	13	16
Net Benefits	2	7	10	11
Risks	9	15	8	9
Social Connectivity	5	8	15	15
<b>TOTAL</b>	<b>18</b>	<b>60</b>	<b>55</b>	<b>57</b>

It is apparent from the above assessment that undertaking any investment has far greater benefits than the “do nothing” scenario, regardless of the additional cost for the works. It is recommended that further investigation into community/stakeholder sentiment on each option and the market conditions for the possible sale of Langley Park is completed prior to a decision being made on next steps for the Somerset Sporting Precinct.

## STATUTORY IMPLICATIONS

### Statutory Requirements

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

## STRATEGIC IMPLICATIONS

### Strategic Plan Reference

<b>GOAL 4: Community Recreation and Wellbeing</b>
<b>Desired Outcomes</b>
4.3 We provide recreational opportunities to the community for all ages and abilities.
<b>Our Priorities</b>
4.3.1 Commit to ongoing recreation and open space planning to ensure evidence-based decisions are made about the role of Council and its partners in recreation.

### Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
<b>Strong communities and social capital</b>	<b>Enduring community capital</b> – Growing, proud, self-reliant communities that are inclusive and engaged with volunteers and shared facilities.
<b>Access and infrastructure</b>	<b>Local, regional and global transport and infrastructure access</b> – Safe and efficient access alternatives, growing freight capacity, renewable energy, water management and contemporary communications. Community infrastructure that supports economic development.
<b>Health and Wellbeing</b>	<b>Maintaining good health and wellbeing</b> – Healthy communities, people taking responsibility for their wellness, convenient access to medical services and facilities.
<b>Place making and liveability</b>	<b>Liveable places for all ages</b> – 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

<b>Community Future Direction Theme</b>	<b>Key Challenges &amp; Opportunities:</b>
	supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.

### **POLICY IMPLICATIONS**

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

### **ENVIRONMENTAL IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

There are no financial implications as a result of noting the Options Review Report.

Any decision that seeks to upgrade the existing site or to relocate to a new site will require capital funding and will likely increase annual operational expenditure. These costs will be considered as part of the future decision-making on the Somerset Sporting Precinct.

### **RISK IMPLICATIONS**

Risks are identified within the SWOT analysis as part of the attached options review.

### **CONSULTATION PROCESS**

This report has been developed on the back of the consultation undertaken during the development of OSSR. Further discussions have since been held with representatives from the Department of Education and the Somerset Primary School while feedback and requests have been received from the users of Langley Park desiring improved facilities.

Upon noting this report, key stakeholders will be informed of the Options Review. In 2023, a targeted consultation process with key stakeholders is recommended to be undertaken to identify opportunities, challenges and concerns.



### **CONCLUSION**

Whilst a technical review and evaluation of the options presented has been conducted, community/stakeholder input is required prior to a decision being made in relation to the future sports precinct for Somerset.



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## 9.7 SUSTAINABILITY AND ENVIRONMENTAL ADVISORY PANEL - TERMS OF REFERENCE

To: Council  
Reporting Officer: Manager Recreational Planning and Environment  
Responsible Manager: Director Infrastructure and Development Services  
Report Date: 2 June 2022  
File Reference:  
Enclosures: 1. Terms of Reference - SEAP   
2. Draft Action Plan - SEAP 

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### RECOMMENDATION

#### That Council:

1. **Adopts the Sustainability and Environmental Advisory Panel Terms of Reference and associated documents; and**
2. **Authorises officers to seek community nominations for membership on the panel.**

### PURPOSE

The purpose of this report is to provide the framework for the Sustainability and Environmental Advisory Panel (SEAP) and to authorise the expression of interest process for community representation on the panel.

### BACKGROUND

Climate and environmental science are specialised fields with diverse technical disciplines. The development of the Integrated Council Environmental Plan 2020-2030 (iCEP) highlighted the benefits of constructive collaboration with local citizen scientists and interest groups. These groups were able to share a breadth of skills, experience and local knowledge that council would not otherwise be able to resource.

It is acknowledged that Council will be able to better meet the objectives of iCEP through the establishment of an advisory panel with a membership of active community members who are passionate about environmental sustainability and supportive of collaborating with local government. The SEAP will be able to inform and advise Council on environmental and sustainability related issues as well as Council's role in sharing and enhancing the natural environment of Waratah-Wynyard.

### DETAILS

The attached SEAP Terms of Reference have been created to provide a framework to support the establishment and conduct of the group. This is Council's first environmental advisory panel. The objectives of the SEAP are to:

- Represent a range of sectors and opinions relating to or impacting the natural environment, including community, agency, industry etc;
- Provide input and advice to Council on issues of environmental sustainability;
- Provide input to Council on behalf of the community and community organisations;
- Actively support Council's consultation with and advocacy to the broader community;

- Provide specific and targeted feedback on relevant policies, strategies and key environmental initiatives;
- Establish working groups on an as required basis;
- Monitor and review environmental and sustainability issues in Waratah-Wynyard;
- Advocate (within the SEAP's structure) to Council for the benefit of the Waratah-Wynyard environment; and
- Assist Council in determination of priority activities to be undertaken, annual objectives and action plans.

## STATUTORY IMPLICATIONS

### Statutory Requirements

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

## STRATEGIC IMPLICATIONS

### Strategic Plan Reference

<b>GOAL 7: Environment</b>
<b>Desired Outcomes</b>
7.1 Council and the community minimise its resource consumption and carbon footprint.
<b>Our Priorities</b>
7.1.2 Advocate for effective environmental management and contribute to regional, state, and national climate change initiatives.

### Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
<b>Tourism</b>	<b>Memorable visitor experiences all year round</b> – The must see destination, quality product, easy access, popular events and festivals with coordinated marketing. A longer season with increasing yields.
<b>Access and infrastructure</b>	<b>Local, regional and global transport and infrastructure access</b> – Safe and efficient access alternatives, growing freight capacity, renewable energy, water management and contemporary communications. Community infrastructure that supports economic development.
<b>Natural resource management</b>	<b>Managing abundant, natural and productive resources</b> – Natural resource management is valued and development is environmentally sustainable. The environment is clean and healthy with unspoilt beauty and biodiversity.
<b>Place making and liveability</b>	<b>Liveable places for all ages</b> – 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.
<b>Governance and working together</b>	<b>Working together for Murchison</b> – 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

The establishment of the SEAP will help council to deliver the objectives of iCEP and the Environmental Sustainability Policy.

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## **ENVIRONMENTAL IMPLICATIONS**

The SEAP will aid council in achieving the sustainability actions set out within the iCEP and provide advice to council on decision-making that could have positive implications for the environment.

## **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**

The establishment of the SEAP will help council to partner and collaborate with members of the community on the environment. The intent of the SEAP will ensure community-wide knowledge of our local environment is captured, understood, and embedded into council's decision-making.



Requests for nominations to the SEAP will be called through Council's social media channels, general media and the website. Other methods (such as distribution through networks) may be utilised at Council's discretion to ensure a good cross-section of representation.

## **CONCLUSION**

The establishment of an environmental advisory panel is an action explicitly recommended within iCEP and is expected to provide immense value to council in its future decision-making on environmental and sustainability related matters.

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## 9.8 COUNCIL CORPORATE CARBON EMISSIONS - NET ZERO TARGET

To: Council  
Reporting Officer: Manager Recreational Planning and Environment  
Responsible Manager: Director Infrastructure and Development Services  
Report Date: 2 June 2022  
File Reference:  
Enclosures: 1. Waratah-Wynyard Carbon Footprint FY2021   
2. Achieving Net Zero Infographic 

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### RECOMMENDATION

#### That Council:

1. **Note the findings of the Waratah-Wynyard Corporate Carbon Footprint Audit; and**
2. **Adopt a corporate carbon emissions target of *Net Zero by 2030* with interim targets of:**
  - (a) **2025 - 30% total emissions reduction from FY2021**
  - (b) **2027 – 50% total emissions reduction from FY2021**

### PURPOSE

The purpose of this report is to note the findings of council's carbon footprint audit and set a goal for reaching net zero emissions in line with the Integrated Council Environmental Plan and Environmental Sustainability Policy.

### BACKGROUND

The Intergovernmental Panel on Climate Change (IPCC) is the most authoritative international group on climate science. The IPCC has assessed that Australia is one of the most vulnerable developed countries to climate impacts and it acknowledges the implications for health and wellbeing, economy, and environment if global temperature rises are not managed. The IPCC's recent report provides scientific research to suggest that it is still possible to limit global temperature rise to 1.5 degrees Celsius, however notes that we are dangerously close to that threshold. Subsequently, the window of time to stabilise the climate is vanishing fast.

The only way to limit the magnitude of the projected climate changes and avoid the modelled worst-case scenarios is to reduce the concentrations of greenhouse gases in the atmosphere. This requires a concerted effort globally as well as taking local action. As the level of government closest to communities, Councils are well-placed to encourage behaviour change, demonstrate leadership and raise community awareness.

In 2021, the Climate Council of Australia called for the Australian Government to cut emissions this decade, citing that climate change is accelerating faster than previously thought. Their ambitious goal is to triple Australia's climate efforts by reducing our greenhouse gas emissions down 75% by 2030, and to reach net zero by no later than 2035.

In response to the receipt of this rigorous science, communities are demanding greater accountability for organisations to reduce emissions.

In June 2019, Council joined with other local governments around Australia to develop a strategic response to climate change and commenced the development of its Integrated

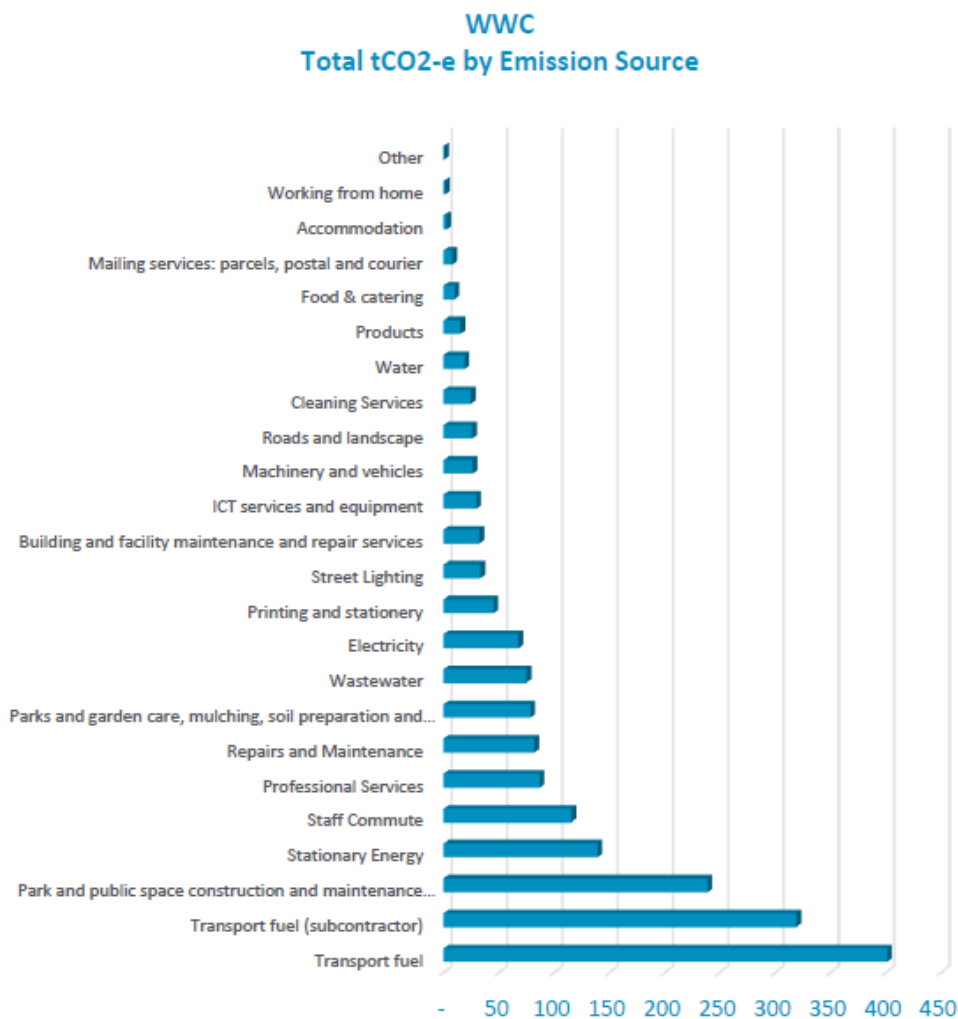
Council Environmental Plan (iCEP). The iCEP was developed to help future proof a range of local social, economic and environmental values.

At its 17 August 2020 meeting, the Council adopted the iCEP 2020-2030 after a twelve-month journey of combined research, development and consultation. One of the actions within iCEP requires Council to set an emissions target to achieve corporate carbon neutrality by 2050 with interim targets on the pathway to this goal.

## DETAILS

In order to set an emissions target, Council needs to first understand its baseline footprint so an effective reduction and offset strategy can be formed. To do so, council officers engaged a third-party consultant, Ndevr Environmental, to undertake the emissions analysis in full compliance with the globally recognised Greenhouse Gas Protocol and Climate Active Organisational Standard.

For the purposes of the emissions audit, the financial year of 2020-21 was set as the baseline year. At the completion of the audit, Waratah-Wynyard Council's operations was found to produce 1,971 tonnes of carbon equivalent. Based on recent census data, this corresponds to an emissions intensity of 142 kg of carbon per person living in Waratah-Wynyard. The emissions produced have been categorised by the emissions source, as shown below:



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Based on the findings of the carbon footprint audit, Council can significantly reduce emissions by reducing fuel consumption and limiting any unnecessary business travel. Encouraging sustainable actions throughout council's supply chain, improving energy efficiency of its buildings, and fostering the "reduce reuse and recycle" mantra across its operations will also provide significant benefits.

Now that the baseline year has been set and the carbon footprint determined, the council can set an informed target for reducing its emissions. In endorsing a *net zero* strategy, emissions from councils' operations will be avoided (where possible) and then reduced or replaced by low-carbon alternatives. Any residual emissions could be offset using carbon reducing credits.

Whilst ambitious, adopting a *net zero by 2030* goal will provide positive pressure for council to demonstrate sustainability in its operations and role model behavioural changes for local households and businesses. Setting this commitment ensures emissions reduction opportunities can be considered across council's decision-making. It establishes Waratah-Wynyard as actively contributing to the IPCC's and Climate Councils recommendations for reaching net zero and mitigating the risks of human-induced climate change.

## **STATUTORY IMPLICATIONS**

### Statutory Requirements

Australia is a signatory to the Paris Agreement, which commits Australia to helping keep the global temperature rise this century to below 2 degrees Celsius above pre-industrial levels, with a preferred limit of 1.5 degrees. Signatories to this agreement agree to rapidly reduce emissions to limit further warming.

Under the Climate Change (State Action) Act 2008, Tasmania has a legislated target of reducing greenhouse gas emissions to 60% below 1990 levels by 2050. In response to a recent independent review of Tasmania's climate change legislation, the Tasmanian Government plans to legislate a new emissions target for Tasmania of net zero emissions from 2030.

It is important that Council plays a role in supporting state and federal governments in achieving these targets through role modelling sustainable business practices and reducing our own emissions.

## **STRATEGIC IMPLICATIONS**

### Strategic Plan Reference

<b>GOAL 7: Environment</b>
<b>Desired Outcomes</b>
7.1 Council and the community minimise its resource consumption and carbon footprint.
<b>Our Priorities</b>
7.1.2 Advocate for effective environmental management and contribute to regional, state, and national climate change initiatives.

### Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Natural resource management	<b>Managing abundant, natural and productive resources</b> – Natural resource management is valued and development is environmentally sustainable. The environment is clean and healthy with unspoilt beauty and biodiversity.
Health and Wellbeing	<b>Maintaining good health and wellbeing</b> – Healthy communities, people taking responsibility for their wellness, convenient access to medical services and facilities.
Governance and working together	<b>Working together for Murchison</b> – 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

The findings and recommendations of this report are in full alignment with the principles and actions of the iCEP and council’s Environmental Sustainability Policy.

## ENVIRONMENTAL IMPLICATIONS

Greenhouse gas emissions have been identified through global scientific research as a key contributor to climate change. By actively reducing emissions Council will reduce its impact on the environment.

## FINANCIAL IMPLICATIONS

By adopting a “net zero” goal, council will need to fund reduction and offset strategies in the near future. The costs of these actions will be determined and considered as part of the annual budgeting process.

Whilst these tasks will likely involve considerable investment, funding these activities will help to realise the proposed environmental benefits. Furthermore, reduction investments are also generally aligned with financial savings through reduced lifecycle costs. These savings can then be reinvested into councils’ operations.

## RISK IMPLICATIONS

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

## CONSULTATION PROCESS

Council worked closely with consultants during the development of the carbon footprint audit. Upon adoption, the findings of the report will be released to the community.

## CONCLUSION

Extensive research around the globe indicates there are significant economic benefits to responding early to climate change. Both the Australian and Tasmanian Governments recognise this need within their legislated and policy positions.

Waratah-Wynyard Council, through the adoption of iCEP, has accepted the science behind climate change and has committed to an integrated response to sustainability through the principles of mitigation, adaption and management. Through the completion of a carbon audit and the adoption of a *net zero* target, Council will demonstrate its willingness to show leadership in this area. By adopting a corporate carbon emissions target of *Net Zero by 2030* with interim targets, Council will have a measure of accountability to this goal.

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## 9.9 COMMUNITY ACTIVATION GRANTS POLICY

To: Council  
Reporting Officer: Manager Community Activation  
Responsible Manager: Director Community and Engagement  
Report Date: 3 June 2022  
File Reference: 001  
Enclosures: 1. Community Activation Grants Policy 

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### RECOMMENDATION

**That Council adopt the Community Activation Grants Policy as presented.**

### PURPOSE

Council's Community Activation Grants Policy is due for review. This report has been prepared for Council to adopt the Community Activation Grants Policy as presented.

### BACKGROUND

The Community Activation Grants program is the mechanism under which Council provides financial assistance for community initiatives that

- encourage and/or enhance social and cultural wellbeing
- encourage and/or enhance recreational pursuits
- encourage and/or enhance educational opportunities
- foster economic development

The Community Activation Grants Policy is the document used to provide a framework for the provision, eligibility and prioritisation of Council's community grants program.

### DETAILS

Review of the existing Community Activation Grants Policy recognised that the current policy is working well and meets the needs of Council and the community. Only one change has been made to the existing policy, with point 3.5 being added, which states that Council may offer targeted funding rounds.

The Policy is supported by detailed guidelines and associated forms, both reviewed and updated periodically as required.

### STATUTORY IMPLICATIONS

#### Statutory Requirements

The *Local Government Act 1993* states:

#### **Grants and benefits**

77. (1) A council may make a grant or provide a benefit that is not a legal entitlement to any person, other than a Councillor, for any purpose it considers appropriate.

(2) The details of any grant made or benefit provided are to be included in the annual report of the council.



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## STRATEGIC IMPLICATIONS

### Strategic Plan Reference

<b>GOAL 3: Connected Communities</b>
<b>Desired Outcomes</b>
4.3 We provide recreational opportunities to the community for all ages and abilities.
<b>Our Priorities</b>
3.3.2 Facilitate activities and events that promote inclusion, health, safety and a sense of place.

<b>GOAL 4: Community Recreation and Wellbeing</b>
<b>Desired Outcomes</b>
4.1 Our community is welcoming and supportive.
<b>Our Priorities</b>
3.5.1 Build community capacity through services and programs that strengthen, support and care for our community.

### Sustainable Murchison Community Plan 2040

<b>Community Future Direction Theme</b>	<b>Key Challenges &amp; Opportunities:</b>
<b>Tourism</b>	<b>Memorable visitor experiences all year round</b> – The must see destination, quality product, easy access, popular events and festivals with coordinated marketing. A longer season with increasing yields.
<b>Strong communities and social capital</b>	<b>Enduring community capital</b> – Growing, proud, self-reliant communities that are inclusive and engaged with volunteers and shared facilities.
<b>Health and Wellbeing</b>	<b>Maintaining good health and wellbeing</b> – Healthy communities, people taking responsibility for their wellness, convenient access to medical services and facilities.
<b>Education</b>	<b>Lifelong learning and education</b> – Education and lifelong learning is valued and there is access to vocational training and tertiary education. Education retention rates have increased.
<b>Place making and liveability</b>	<b>Liveable places for all ages</b> – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.

## POLICY IMPLICATIONS

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

## ENVIRONMENTAL IMPLICATIONS

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

## FINANCIAL IMPLICATIONS

Council currently provides an annual budget allocation for the Community Activation Grants program. The Community Activation Grants Policy operates within the current funding allocation.

## RISK IMPLICATIONS

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

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## **CONSULTATION PROCESS**

The Community Activation Grants Policy was reviewed by the Community Activation Department and the Senior Management Team.

## **CONCLUSION**

The Community Activation Grants program enables Council to provide financial assistance to activate spaces, opportunities and programmes within the community. The Community Activation Grants program recognises the valuable role groups and organisations play in building community capacity through projects and activities and provides the financial and in-kind assistance to facilitate this.

The Community Activation Grants Policy provides the framework for the provision, eligibility and prioritisation of the community grants program. This enables and encourages community initiatives that enhance social and cultural wellbeing, recreation, education pursuits and those that foster economic development.

It is recommended that Council adopt the Community Activation Grants Policy as presented.

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## 9.10 CRADLE COAST WASTE MANAGEMENT GROUP - 2022/23 ANNUAL PLAN AND BUDGET

To: Council  
Reporting Officer: Manager Recreational Planning and Environment  
Responsible Manager: Director Infrastructure and Development Services  
Report Date: 2 June 2022  
File Reference:  
Enclosures: 1. CCWMG 2022/23 Annual Plan and Budget 

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### RECOMMENDATION

**That Council note the Cradle Coast Waste Management Group 2022/23 Annual Plan and Budget.**

### PURPOSE

The purpose of this report is to advise Council of the activities to be undertaken by the Cradle Coast Waste Management Group (CCWMG) for the 2022/23 financial year.

### BACKGROUND

The CCWMG was formed in 2007 to improve waste from a regional perspective, providing efficiencies and economies of scale and to provide specialty waste reduction services. The CCWMG represents seven municipal councils across the north-west coast of Tasmania, including Burnie City, Central Coast, Circular Head, Devonport City, Latrobe, Kentish and Waratah-Wynyard.

The CCWMG prepares a five-year strategic plan which details projects and strategies for improvements in resource recovery and waste reduction for member councils. The 2022/23 Annual Plan and Budget marks the beginning of the 2022/23-2026/27 Strategic Plan Actions.

Over the past fifteen years, the programs covered by the Annual Plan and Budget have been funded by a voluntary levy for landfilled waste, which in financial year 2022 the levy was charged at \$5.50 per tonne. On 1 July 2022, the Tasmanian State Government will begin collection of a legislated landfill levy of \$20.40 / tonne. No voluntary levies will be paid from this date. The state government have committed to funding the work of regional waste groups and has made a statement that all regional groups will be treated equitably, and that none will be worse off. On this basis, the 2022/23 Annual Plan and Budget has been developed based on a forecasted contribution of \$7.50 per tonne from the 1 July 2022.

### DETAILS

The CCWMG Annual Plan and Budget 2022/23 summarises the planned activities for the year which aim to achieve progress against the 5-year strategy. The CCWMG's strategic vision is to:

*'Deliver a sustainable community in the Cradle Coast region of Tasmania by implementing strategies which minimise waste through increases in waste diversion and recovery.'*

Four key areas have been identified as strategic priorities for the region within the 2022/23 Annual Plan and Budget. These areas are:

1. Waste Education and Awareness
2. Waste Industry Improvements
3. Waste Diversion Programs
4. Governance and Program Maintenance

The 2022/23 Annual Plan and Budget has identified a total of 25 discreet activities, services, and projects within the aforementioned key areas. These activities include continued recycle bin audits, education and training programs, grant funding opportunities and the continuation of recycling programs such as household batteries, tyres, paint and e-waste.

## STATUTORY IMPLICATIONS

### Statutory Requirements

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

## STRATEGIC IMPLICATIONS

### Strategic Plan Reference

<b>GOAL 7: Environment</b>
<b>Desired Outcomes</b>
7.1 Council and the community minimise its resource consumption and carbon footprint.
<b>Our Priorities</b>
7.1.1 Divert waste from landfill and build awareness around sustainable waster generation and management.

### Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
<b>Natural resource management</b>	<b>Managing abundant, natural and productive resources</b> – Natural resource management is valued and development is environmentally sustainable. The environment is clean and healthy with unspoilt beauty and biodiversity.
<b>Place making and liveability</b>	<b>Liveable places for all ages</b> – 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.
<b>Governance and working together</b>	<b>Working together for Murchison</b> – Everyone plays a part in achieving the objectives of the Sustainable Murchison Community Plan. There is cooperation, resource sharing and less duplication between Councils. Leadership is provided across all community sectors.

## POLICY IMPLICATIONS

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

## ENVIRONMENTAL IMPLICATIONS

The CCWMG's vision of increasing waste diversion and recovery within the region is expected to have a positive impact on the environment. The 2022/23 Annual Plan and Budget funds activities that align with this vision.

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## **FINANCIAL IMPLICATIONS**

No impact for Council, however for the CCWMG it is predicted that \$590,250 will be available from the state waste levy for funding the activities set out in the Annual Plan and Budget. Additionally, \$220,020 of carried forward funds would also be available. After accounting for some additional interest income, expense recovery income and a levy refund, a total revenue stream of \$845,270 is expected to be available to fund the 2022/23 CCWMG actions.

The activities set out within the Annual Plan and Budget equate to \$655,859. Therefore, the closing CCWMG account balance as at 30/06/23 is anticipated to be \$189,411.

## **RISK IMPLICATIONS**

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

## **CONSULTATION PROCESS**

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

## **CONCLUSION**

The Cradle Coast Waste Management Group 2022/23 Annual Plan and Budget continues the activities already planned with the changeover of funding from the voluntary levy that has been in place for Cradle Coast Councils to a portion of the new State Waste levy.

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## 9.11 AWARD OF CONTRACT #775 & #777 - BRIDGE REPLACEMENTS - DESIGN & CONSTRUCT 2022/23

To: Council  
Reporting Officer: Manager Engineering Services  
Responsible Manager: Director Infrastructure and Development Services  
Report Date: 27 April 2022  
File Reference: .  
Enclosures: 1. Summary Cover Page - Tender Assessment - Confidential

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### RECOMMENDATION

**That Council Award Contracts #775 & #777 – West Calder Road (Calder River) and Oonah Road (Cam River) Bridge Replacement - to BridgePro Engineering Pty Ltd.**

### PURPOSE

To determine Council's position in relation to tender submissions received for the replacement of bridge structures at West Calder Road (Calder River) & Oonah Road (Cam River).

### BACKGROUND

The provision of replacing the bridge sub-structures and super-structures at West Calder Road (Calder River) and Oonah Road (Cam River) has been recommended as part of Council's biannual bridge inventory inspection and analysis, which have determined that each of these elements have reached the end of their useful lives.

Provision of these works are to be undertaken by an external contract provider, owing to the nature of specialist equipment and skills required to undertake the scope of works.

A call for tenders for the provision of these works was published in the Advocate Newspaper and released on the Tenderlink website on Saturday 9 April 2022.

### DETAILS

The contract operates as a Lump Sum contract, based upon the estimated quantities to deliver the scope of the project. Tender price comparison and assessment of each individual tender, based upon pre-defined tender criteria, defines the recommendation to Council to award the Contract. Tenders were invited to tender for these works based on an individual Council basis or a combined tender with the Circular Head Council.

At the close of tenders on 29 April 2022, nine (9) contractors had accessed the tender documents via Tenderlink and three (3) contractors submitted tenders for the works.

Tender submissions were received from;

- Batchelor Construction Group Pty Ltd
- BridgePro Engineering
- VEC Civil Engineering

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All tenderers have demonstrated experience within the industry, have established safety and management systems in place and have been assessed as competent and capable in the performance of the works for which they have tendered. All tenderers have and continue to provide the services associated with this contract to other Councils within Tasmania.

Each tender received has been assessed against a range of weighted criteria itemised below:

Criteria A – The tendered total amount and the expected whole of life costs – Weighting 45%

Criteria B – The tenderers ability to complete works of the quality specified within the contract and within the specified time – Weighting 25%

Criteria C – The tenderer’s OH&S, environmental, industrial relations and performance records – Weighting 5%

Criteria D – The tenderer’s Quality System as well as experience and performance – Weighting 25%

Generally, the past services provided to the Local Government sector by each of these companies have been considered satisfactory, and they have a clear understanding of the established industry requirements associated with the performance of the works under the contract. Each tenderer has provided sufficient evidence to demonstrate their competence and capability to perform the works within the timeframes and to the quality required. Accordingly, there is no significant alteration to the selection of preferred tenderer based upon these considerations and the selection of the preferred tenderer is considered primarily to be a matter of price in this instance.

BridgePro Engineering Pty Ltd have submitted the lowest price tender option with a calculated overall price of \$823,030 for the two bridge replacement projects. Whilst noting that this total price is an estimate based upon identified areas, the relativity of pricing is not anticipated to vary to any degree of significance should the final area be marginally different.

## **STATUTORY IMPLICATIONS**

### Statutory Requirements

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

## **STRATEGIC IMPLICATIONS**

### Strategic Plan Reference

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

<b>GOAL 6: Transport and Access</b>
<b>Desired Outcomes</b>
6.1 Our transport and access network can accommodate the changing needs of our industry and community.
<b>Our Priorities</b>
6.2.1 Plan for a priority access network for freight.

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## Sustainable Murchison Community Plan 2040

<b>Community Future Direction Theme</b>	<b>Key Challenges &amp; Opportunities:</b>
<b>Access and infrastructure</b>	<b>Local, regional and global transport and infrastructure access</b> – Safe and efficient access alternatives, growing freight capacity, renewable energy, water management and contemporary communications. Community infrastructure that supports economic development.

### **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**

Tenderers were invited to supply a tender for these works based on an individual Council basis or a shared contract between Circular Head Council and the Waratah Wynyard Council to offer a cost reduction incentive. BridgePro Engineering Pty Ltd have supplied the lowest rate tender for each Council and have offered a further reduction in cost should a joint contract be awarded. It must be noted that at the May 2022 meeting the tender award to BridgePro for the Calder Road Bridge replacement would also attract a reduction in cost.

	<b>Cost Saving if bridge tenders awarded jointly</b>
Waratah-Wynyard Council	\$19,500.00
Circular Head Council	\$19,500.00

The estimated total cost of completing the tender works if the contract is awarded as recommended, is estimated to be \$823,030. This compares favourably with the estimated total cost of \$1,054,256 in the 22/23 budget.

### **RISK IMPLICATIONS**

In the conduct of any contract there are risks to Council, including time delays and poor quality of work. The use of experienced contractors coupled with contract documents will minimise potential risks to Council.

The broader tender assessment, beyond just price, is intended to mitigate risk.

### **CONSULTATION PROCESS**

Affected property owners and business operators will be directly notified of the works prior to commencement. The greater public will be notified via Council's media outlets. No road closures are proposed or permitted to undertake the scope of these works.

### **CONCLUSION**

The tender submitted by BridgePro Engineering Pty Ltd for the replacement of West Calder Road bridge (Calder River) and Oonah Road bridge (Cam River) is considered the best option available to Council, in taking into consideration all aspects of the tenders submitted. It is recommended that the associated contracts be awarded accordingly.



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## 9.12 FINANCIAL REPORT FOR THE PERIOD ENDED 31 MAY 2022

To: Council  
Reporting Officer: Corporate Accountant  
Responsible Manager: Director Organisational Performance  
Report Date: 8 June 2022  
File Reference: 6  
Enclosures: 1. Monthly Capital Progress Report - May 

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### RECOMMENDATION

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

### 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 \$363k. 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 experiencing increased volatility in its operating revenues and expenditure with the impacts from COVID-19 circulating within the community. Final results for the year will be reported to Council through the audited annual financial statements.

### STATUTORY IMPLICATIONS

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

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## STRATEGIC IMPLICATIONS

### Strategic Plan Reference

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

### Council Strategy or Plan Reference

<b>Council Strategy or Plan</b>	<b>Date Adopted:</b>
Financial Management Strategy 2022-2032	Adopted October 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.

## Income Statement

The Income Statement shows the performance of Council's operations year to date.

### Income Statement as at 31 May 2022

	YTD Actual	YTD Budget	%		YTD Variance	Budget	Forecast		Forecast Variance	Note
<b>Recurrent Income</b>										
Rate Revenue	12,172,728	11,541,011	5%	✓	631,717	12,046,053	12,173,313	✓	127,260	1
User Charges	2,659,780	2,422,419	10%	✓	237,361	2,779,866	2,858,452	✓	78,586	2
Reimbursements/Contributions	579,022	636,871	-9%	✗	(57,849)	764,355	844,785	✓	80,430	
Grants and Subsidies	4,459,987	2,561,734	74%	✓	1,898,253	3,479,313	3,431,317	✗	(47,996)	3
Interest	109,623	61,640	78%	✓	47,983	74,000	101,000	✓	27,000	4
Distributions from Water Corporation	421,500	505,800	-17%	✗	(84,300)	674,400	674,400	✗	-	
<b>Total Recurrent Income</b>	<b>20,402,639</b>	<b>17,729,475</b>	<b>15%</b>	<b>✓</b>	<b>2,673,164</b>	<b>19,817,987</b>	<b>20,083,267</b>	<b>✓</b>	<b>265,280</b>	
<b>Recurrent Expenditure</b>										
Employee Costs	7,188,909	6,410,882	12%	✗	778,027	7,898,644	7,782,450	✓	(116,194)	5
State Levies	552,988	498,623	11%	✗	54,365	630,703	550,830	✓	(79,873)	6
Remissions & Discounts	460,286	405,589	13%	✗	54,697	411,436	455,254	✗	43,818	7
Materials & Contracts	5,096,567	4,511,115	13%	✗	585,452	5,492,642	5,532,050	✗	39,408	8
Depreciation	4,304,003	3,911,160	10%	✗	392,843	4,695,237	4,695,237	✓	-	
(Gain)/Loss on Disposal	-	61,720	-100%	✓	(61,720)	74,102	74,102	✓	-	
Borrowing Costs	37,990	20,250	88%	!	17,740	24,307	49,627	✗	25,320	9
Other Expenses	217,041	237,470	-9%	✓	(20,429)	276,450	266,450	✓	(10,000)	
<b>Total Recurrent Expenditure</b>	<b>17,857,783</b>	<b>16,056,809</b>	<b>11%</b>	<b>✗</b>	<b>1,800,974</b>	<b>19,503,521</b>	<b>19,406,000</b>	<b>✓</b>	<b>(97,521)</b>	
<b>Surplus/(Deficit)</b>	<b>2,544,856</b>	<b>1,672,666</b>	<b>-52%</b>	<b>✗</b>	<b>(872,190)</b>	<b>314,466</b>	<b>677,267</b>	<b>✓</b>	<b>362,801</b>	
<b>Capital Items</b>										
Capital Grants/Contributions	3,671,725	6,575,210	-44%	✗	(2,903,485)	7,893,417	8,845,900	✓	952,483	
Derecognition of Assets	-	-	0%	✓	-	-	-	✓	-	
Asset Recognition	-	-	0%	✓	-	-	-	✓	-	
<b>Comprehensive Surplus/(Deficit)</b>	<b>6,216,581</b>	<b>8,247,876</b>	<b>-46%</b>	<b>✗</b>	<b>(3,775,675)</b>	<b>8,207,883</b>	<b>9,523,167</b>	<b>✓</b>	<b>1,315,284</b>	

Explanations are provided below for forecast variances below.

#### 1 Rates Revenue – favourable variance \$127,260

Council's rates and charges income will be higher than the annual budget estimates due to supplementary valuations received by Council late last financial year after the setting of the budget estimates.

#### 2 User charges – favourable variance \$78,586

The forecast for user charges is expected to be higher than budgeted due to additional planning fee income from a number of large planning applications (\$245k), this is offset by lower than budgeted childcare fee income (\$149k) and lower than budgeted dog licence fees (\$23k).

#### 3 Grants & subsidies – unfavourable variance \$47,996

The forecast for financial assistance grants has been revised following the state grants commission 2021-22 grant allocations and are expected to be higher than budget (\$62k). This increase is offset by lower than budgeted community development grants due to the end of the Health & Wellbeing grant program (\$90k).

#### 4 Interest – favourable variance \$27,000

Interest income is expected to be higher than budget due to higher interest penalty income on outstanding rates and higher interest income on Council's term deposits.

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**5 Employee costs – favourable variance \$116,194**

The forecast for employee costs is lower than budget due to a number of budgeted positions being vacant for all or part of the year including in the areas of town planning (\$62k), Governance (\$33k) and Community Support (\$33k).

**6 State Levies – favourable variance \$79,873**

State Levies are expected to be lower than budget due to the delayed introduction of the State Waste Levy. The budget estimates allowed for the State Government introduction of the levy from 1 November 2021. This has since been delayed and expected to be introduced to 1 July 2022.

**7 Remissions & Discounts – unfavourable variance \$43,818**

Remissions & Discounts expenditure is higher than budget due to an increased take-up of Council's early payment discount incentive. The budget was set based on historical take-up (2019-20 financial year). 74% of rates and charges were paid by the 31 August compared to only 72% in 2019-20. The total early payment discount incentive has cost Council \$459k for the year.

**8 Materials & Contracts – unfavourable variance \$39,408**

Materials & services expenditure is forecast to be higher than budget due higher Insurance costs (\$32k), increased urban waste collection costs (\$23k) & higher plant costs (\$12k) due to higher unleaded petrol and diesel prices. This is offset by lower rates collection agency costs (\$15k) and lower community assistance grant expenditure (\$10k).

**9 Borrowing Costs – unfavourable variance \$25,320**

Borrowing costs for 2021-22 are higher than budget due to additional interest on loan funds taken out through the state government concessional loan scheme. Interest on this loan is reimbursement by the state government for the first three years of the loan term.

## Balance Sheet

Council continues to be in a financially strong position. Council is forecasting a current ratio of 1.70 as at 30 June 2022 compared to a budgeted ratio of 1.71.

### Balance Sheet as at 31 May 2022

	YTD Actual \$	Budget \$	Forecast \$
<b>Current Assets</b>			
Cash & Cash Equivalents	15,714,975	5,713,891	5,834,943
Receivables	1,175,461	1,518,603	1,518,603
Inventories	131,842	116,464	116,464
Other Current Assets	17,388	195,825	195,825
<b>Total Current Assets</b>	<b>17,039,666</b>	<b>7,544,783</b>	<b>7,665,835</b>
<b>Non-Current Assets</b>			
Property, Plant and Equipment	216,791,469	227,796,456	228,935,680
Investment in Water	42,870,856	42,870,856	42,870,856
<b>Total Non-Current Assets</b>	<b>259,662,325</b>	<b>270,667,312</b>	<b>271,806,536</b>
<b>Total Assets</b>	<b>276,701,990</b>	<b>278,212,095</b>	<b>279,472,371</b>
<b>Current Liabilities</b>			
Payables	2,512,650	2,262,172	2,262,172
Interest-Bearing Liabilities	172,035	271,911	359,810
Employee Provisions	1,943,519	1,880,124	1,880,124
<b>Total Current Liabilities</b>	<b>4,628,204</b>	<b>4,414,207</b>	<b>4,502,106</b>
<b>Non-Current Liabilities</b>			
Interest-Bearing Liabilities	2,808,417	2,577,165	2,437,182
Employee Provisions	167,122	123,326	123,326
Provisions	26,132	31,058	31,058
<b>Total Non-Current Liabilities</b>	<b>3,001,671</b>	<b>2,731,549</b>	<b>2,591,566</b>
<b>Total Liabilities</b>	<b>7,629,875</b>	<b>7,145,756</b>	<b>7,093,672</b>
<b>Net Assets</b>	<b>269,072,115</b>	<b>271,066,339</b>	<b>272,378,699</b>
<b>Equity</b>			
Current Year Result	6,216,581	1,872,591	9,523,167
Accumulated Surplus	159,524,438	165,862,652	159,524,436
Reserves	103,331,096	103,331,096	103,331,096
<b>Total Equity</b>	<b>269,072,115</b>	<b>271,066,339</b>	<b>272,378,699</b>
<b>Current Ratio</b>	<b>3.68</b>	<b>1.71</b>	<b>1.70</b>

## Cashflow Statement

As of 31 May Council had \$15.715m cash on hand. Based on budgeted income and expenditures, Council is forecast to have \$5.835m of cash on hand as of 30 June 2022.

A key assumption of this forecast is the completion of the capital works program as set by Council. To date, 38% of the capital budget has been spent.

The cash forecast does not include any proceeds received from the sale of Council property.

### Cashflow Statement as at 31 May 2022

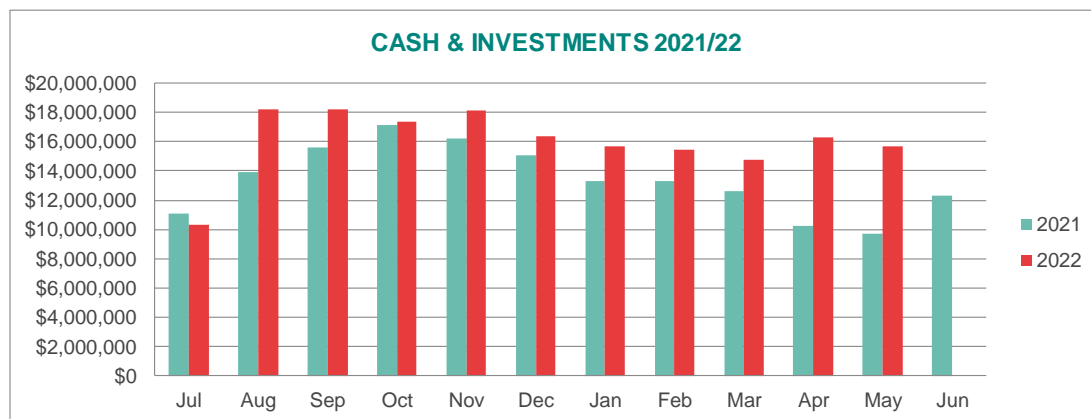
	YTD Actual	Budget	%	Balance	Forecast
	\$	\$		\$	\$
<b>Cash flows from operating activities</b>					
Employee Costs	(7,088,320)	(8,010,210)	88%	(921,890)	(7,743,599)
Materials and Contracts	(4,828,221)	(5,297,423)	91%	(469,202)	(5,700,308)
State Levies	(552,988)	(630,703)	88%	(77,715)	(550,830)
Other Expenses	(677,326)	(687,886)	98%	(10,560)	(721,704)
Rates and Charges	12,495,893	12,046,053	104%	(449,840)	12,173,313
User charges	2,833,818	2,755,491	103%	(78,327)	2,834,076
Interest	109,623	74,000	148%	(35,623)	101,000
Reimbursement of Expenses	579,021	788,355	73%	209,334	844,785
Government Grants	4,459,987	3,479,313	128%	(980,674)	3,431,317
<b>Net Cash provided by (used in) operating activities</b>	<b>7,331,487</b>	<b>4,516,990</b>	<b>162%</b>	<b>(2,814,497)</b>	<b>4,668,050</b>
<b>Cash flows from investing activities</b>					
Payments for Property, Plant and Equipment	(7,814,777)	(19,282,178)	41%	(11,467,401)	(20,422,594)
Investment revenue from Water Corporation	421,500	674,400	0%	252,900	674,400
Proceeds from Sale of Property, Plant and Equipment	-	-	0%	-	395,700
Capital grants	3,671,725	7,893,417	47%	4,221,692	8,845,900
<b>Net cash provided by (used in) investing activities</b>	<b>(3,721,552)</b>	<b>(10,714,361)</b>	<b>35%</b>	<b>(6,992,809)</b>	<b>(10,506,594)</b>
<b>Cash flows from financing activities</b>					
Borrowing Costs	(37,990)	(48,307)	79%	(10,317)	(49,627)
Loan Drawdowns	-	-	0%	-	-
Loan Repayments	(169,859)	(353,320)	48%	(183,461)	(589,775)
<b>Net cash provided by financing activities</b>	<b>(207,849)</b>	<b>(401,627)</b>	<b>52%</b>	<b>(193,778)</b>	<b>(639,402)</b>
<b>Net (Decrease) in Cash Held</b>	<b>3,402,086</b>	<b>(6,598,998)</b>	<b>-52%</b>	<b>(10,001,084)</b>	<b>(6,477,946)</b>
Cash at beginning of year	12,312,889	12,312,889	100%	-	12,312,889
<b>Cash at end of period</b>	<b>15,714,975</b>	<b>5,713,891</b>	<b>275%</b>	<b>(10,001,084)</b>	<b>5,834,943</b>

## Cash Position

The following table provides an outline of Council's cash and investment portfolio as of 31 May 2022. Total cash and investments on hand as of 31 May is \$15.715m. The weighted average return on investment earned on Council's investment portfolio is 0.86%.

### Cash Position as at 31 May 2022

	\$	INVESTMENTS	\$	Weighted Average Return
Deposits	15,500,000	Commonwealth Bank	213,806	0.00%
Petty Cash and Till Floats	1,600	Investments		
Trading Account	213,806	ME Bank	7,200,000	0.54%
		NAB	2,800,000	0.78%
		ING	2,500,000	1.53%
		CBA	3,000,000	1.53%
		Petty Cash and Till Floats	1,600	
<b>Balance - All Accounts</b>	<b>15,715,406</b>		<b>15,715,406</b>	<b>0.86%</b>



## Rates Summary

The following table provides the detail of Council's Rates and Charges levied compared with the same time last year.

Council has made several policy changes in recent months to assist in debt collections efforts, including the introduction of interest penalties from 1 July, the introduction of financial hardship provisions providing greater flexibility for payment arrangements, and the ability for payment of rates and charges by four equal instalments. Ratepayers continue to be encouraged to contact Council if they are having difficulty paying.

There are a higher number of properties with rates and charges outstanding than the same time last year. 11.09% of properties have overdue rates and charges compared with 8.96% for the same time last period.

### Rates Summary to 31 May 2022

	2021/22		2020/21	
	%	\$	%	\$
<i>Notice Issue Date - 16 July 2021</i>				
Outstanding Rates Debtors (1 July 2021)		775,169	4.98	602,240
Less: Rates in Credit		(715,966)		
<b>NET RATES OUTSTANDING (1 July 2021)</b>	<b>0.48</b>	<b>59,203</b>		
Rates and Charges Levied	99.08	12,172,887	95.02	11,479,019
Interest Penalties Charged	0.44	54,150	-	-
<b>GROSS RATES AND CHARGES DEMANDED</b>	<b>100.00</b>	<b>12,286,240</b>	<b>100.00</b>	<b>12,081,259</b>
LESS RATES AND CHARGES COLLECTED	89.86	11,040,042	89.58	10,822,302
REMISSIONS AND DISCOUNTS**	8.83	1,085,444	8.88	1,072,393
	<b>98.69</b>	<b>12,125,486</b>	<b>98.46</b>	<b>11,894,695</b>
ADD PROPERTIES IN CREDIT	(5.57)	684,027	(5.46)	659,402
<b>UNPAID RATES AND CHARGES *</b>	<b>6.88</b>	<b>844,780</b>	<b>7.00</b>	<b>845,966</b>
(includes Deferred Rates)				
**REMISSIONS AND DISCOUNTS		<b>2021/22</b>		<b>2020/21</b>
Early Payment Discount		458,861		443,642
Pensioner Rebates		625,159		627,326
Council Remissions and Abandonments		1,425		1,425
		<b>1,085,444</b>		<b>1,072,393</b>
Number of Rateable Properties		7,979		7,932
Number of Unpaid Rateable Properties		885		711
% not fully paid		11.09%		8.96%



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## Grant Summary

### Grant Schedule as at 31 May 2022

	YTD Actual	Budget 2022	Forecast 2022
<b>Capital Grants</b>			
Multi Use Facility	1,950,735	2,244,205	2,244,205
Anzac Park	550,000	1,365,000	1,865,000
Local Road & Community Infrastructure	-	740,000	740,000
Roads to Recovery	564,684	564,684	564,684
Cardigan Street Fencing & Carpark	6,306	117,186	117,186
IGA Intersection	-	290,000	-
Waratah Bridge	-	200,000	200,000
Community Solar Program	-	50,000	-
Flood Mitigation Works	-	1,000,000	1,000,000
Coastal Pathway	-	1,240,000	1,240,000
Cam River Masterplan	-	82,342	82,342
Wynyard Recreation Ground	500,000	-	500,000
Recreational Camping & Fishing	50,000	-	50,000
Wynyard Squash Centre - Lighting	50,000	-	50,000
Table Cape Lookout - BBRF	-	-	305,333
Safer Rural Roads Program - Stage 2	-	-	(112,850)
	<b>3,671,725</b>	<b>7,893,417</b>	<b>8,845,900</b>

#### Funding and Grants

The Federal Labor Party have announced an election pledge of \$4.5m towards reinvigorating Boat Harbour Beach upon their successful election in 2022

The Federal Labor Party have announced an election pledge of \$1.3m towards Warawyn Childcare Centre upgrades upon their successful election in 2022

## Operational Performance by Department

This statement provides an overview of Council's forecast operating performance by department based on year to date performance.

Directorate/Department	Annual Budget	Forecast	Variance to Forecast	Note
<b>Community &amp; Engagement</b>				
Children's Services	(224,783)	(81,607)	143,176	1
Community Activation	732,189	795,300	63,111	2
Corporate & Community Services	450,389	423,386	(27,003)	3
Tourism & Marketing	557,696	512,527	(45,169)	4
<b>Community &amp; Engagement Total</b>	<b>1,515,491</b>	<b>1,649,606</b>	<b>134,115</b>	
<b>Council &amp; General Managers Office</b>				
Council	1,417,780	1,429,990	12,210	5
<b>Council &amp; General Managers Office Total</b>	<b>1,417,780</b>	<b>1,429,990</b>	<b>12,210</b>	
<b>Infrastructure &amp; Development Services</b>				
Asset Services	2,033	564	(2,597)	
Cemeteries	98,891	98,891	-	
Development Services	681,491	479,250	(202,241)	6
Engineering Services	136,200	142,340	6,140	
Footpaths	302,337	302,337	-	
Garbage	(50,434)	(54,693)	(4,259)	
Public Halls	338,604	335,872	(2,732)	
Public Toilets	297,675	300,580	2,905	
Reserves	1,068,887	1,068,887	-	
Sports	962,758	958,543	(4,215)	
Stormwater Drainage	(228,672)	(216,371)	12,301	7
Transport	3,167,434	3,114,304	(53,130)	8
Waste	200,058	82,408	(117,650)	9
Works & Services	2,364	18,620	16,256	10
<b>Infrastructure &amp; Development Services Total</b>	<b>6,979,626</b>	<b>6,630,404</b>	<b>(349,222)</b>	
<b>Organisational Performance</b>				
Digital Innovation	20,000	11,891	(8,109)	
Financial Services	(10,693,693)	(10,810,858)	(117,165)	11
Organisational Performance	446,330	411,700	(34,630)	12
<b>Organisational Performance Total</b>	<b>(10,227,363)</b>	<b>(10,387,267)</b>	<b>(159,904)</b>	
<b>Total</b>	<b>(314,466)</b>	<b>(677,267)</b>	<b>(362,801)</b>	

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Commentary for departmental forecast variance of \$10,000 or greater are provided below:

**1) Children's Services**

Users fees for Children's Services will be lower than budget due to actual utilisation being lower than the budgeting assumptions. The operational performance of the centres continues to be profitable and consistent with recent year results.

**2) Community Activation**

The unfavourable forecast variance of \$63k for the Community Development is due to lower grant income due to the finalisation of the Health & Wellbeing program.

**3) Community Support**

The favourable forecast variance of \$27k for the Community Support is due to lower employee costs.

**4) Tourism & Marketing**

The favourable forecast variance of \$45k for the Tourism & Marketing is due to lower employee costs as a result of changed operating hours at the Wonders of Wynyard and a vacancy for part of the year within the corporate communication team.

**5) Office of the General Manager**

The unfavourable forecast variance of \$12k for the Office of the General manager is due to higher insurance costs (\$7k) and increased conferences and training expenses due to the delayed timing of training budgeted for last year.

**6) Development Services**

Development Services is expecting a favourable variance to budget of \$202k which is due to higher than budgeted planning fee income (\$245k). This is offset by lower than budgeted dog licence income (\$23k) and additional consultants' expenditure (\$10k).

**7) Stormwater Drainage**

The unfavourable forecast variance to budget for stormwater drainage due to interest on the concessional state government loan taken out to fund flood works (\$24k) which is offset by is higher rate revenue (\$12k).

**8) Transport**

The favourable forecast variance to budget for transport is due to higher than budgeted financial assistance grant income.

**9) Waste**

The favourable forecast variance to budget for waste is due to higher than budgeted rate revenue (\$47k), which is reduced by higher than budgeted rates discount expenditure (\$9k) and lower state waste levy expenditure (\$84k) due to the delay in the introduction of the levy by the State Government.

**10) Works & Services**

The favourable forecast variance to budget for works and services is due to higher than budgeted fuel expenditure for hire plant.

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## **11) Financial Services**

The favourable forecast variance to budget for financial services of \$117k is due to higher than budgeted rates revenue (\$44k), offset by higher rates discount expenditure (\$31k), higher than budgeted penalty rates interest (\$12k), higher than budgeted 132 & 337 certificate income (\$16k) and higher than budgeted reimbursements income (\$10k).

## **12) Organisational Performance**

The favourable forecast variance to budget for organisational performance of \$35k is due to a vacancy for a part of the year. The position has now been filled.

## Capital Works Summary

The Capital Works Summary provides a snapshot of the percentage of expenditure against the 2021/22 Capital Works Program. Timing of expenditure is based on the works plan and actual spend and is not reflective of the actual progress of the Capital Works. The monthly Progress Report is attached for the information of the Council.

Capital works expenditure is forecast to be \$1.140m higher than budgeted, with \$742k of this overspend being funded through grant funding and the remaining \$398k funded from Council's reserves.

### Capital Works Summary as at 31 May 2022

	Actual \$	Budget \$	% Spend of Budget	Forecast \$	Forecast vs Budget	Forecast Variance	Note
<b>Buildings</b>							
Amenities	258,052	401,661	64.25%	377,021	✓	(24,640)	1
Community Facilities	2,412,785	2,357,057	102.36%	2,552,871	✗	195,815	2
Council Operational Buildings	147,601	140,150	105.32%	147,375	!	7,225	
<b>Total Buildings</b>	<b>2,818,439</b>	<b>2,898,867</b>	<b>97.23%</b>	<b>3,077,267</b>	<b>✗</b>	<b>178,400</b>	
<b>Parks &amp; Open Space</b>							
Other	22,967	140,968	16.29%	140,968	✓	-	
Other Infrastructure	258,970	1,570,078	16.49%	1,570,078	✓	-	
Playgrounds	404,872	1,996,489	20.28%	2,479,899	✗	483,411	3
Recreational Reserves	226,684	278,991	81.25%	937,556	✗	658,565	4
Walkways & Tracks	103,057	2,337,798	4.41%	2,349,492	✓	11,694	
Wynyard	1,862	473,791	0.39%	330,658	✓	(143,133)	5
<b>Total Parks &amp; Open Spaces</b>	<b>1,018,411</b>	<b>6,798,115</b>	<b>14.98%</b>	<b>7,808,651</b>	<b>✗</b>	<b>1,010,537</b>	
<b>Plant &amp; Equipment</b>							
Other Plant & Equipment	72,232	282,192	25.60%	275,708	✓	(6,484)	
Plant & Vehicle Replacements	260,293	508,048	51.23%	431,532	✓	(76,516)	6
Software & IT Replacements	60,339	314,971	19.16%	294,971	✓	(20,000)	7
<b>Total Plant &amp; Equipment</b>	<b>392,864</b>	<b>1,105,211</b>	<b>35.55%</b>	<b>1,002,211</b>	<b>✓</b>	<b>(103,000)</b>	
<b>Sporting Facilities</b>							
Indoor Recreational Facilities	19,012	21,856	86.99%	19,753	✓	(2,103)	
Outdoor Sporting Facilities	887,410	613,002	144.76%	1,085,248	✗	472,246	8
<b>Total Sporting Facilities</b>	<b>906,422</b>	<b>634,858</b>	<b>142.78%</b>	<b>1,105,001</b>	<b>✗</b>	<b>470,143</b>	
<b>Stormwater</b>							
Flood Mitigation Works	265,850	3,392,499	7.84%	3,392,499	✓	-	
Other Stormwater Works	38,919	170,850	22.78%	170,850	✓	-	
<b>Total Stormwater</b>	<b>304,769</b>	<b>3,563,349</b>	<b>8.55%</b>	<b>3,563,349</b>	<b>✓</b>	<b>-</b>	
<b>Transport</b>							
Bridge Renewals	527,561	1,029,747	51.23%	827,743	✓	(202,004)	9
Footpaths & Kerbs	133,552	247,017	54.07%	213,543	✓	(33,474)	10
Other Transport	476,565	616,872	77.26%	450,529	✓	(166,343)	11
Resheeting	645,768	815,383	79.20%	774,471	✓	(40,912)	12
Rural Upgrade	64,366	109,155	58.97%	109,155	✓	-	
Strategic Projects	35,000	956,997	3.66%	956,997	✓	-	
Urban Upgrade	91,994	219,225	41.96%	252,796	✗	33,571	13
Urban Reseals	171,052	287,382	59.52%	280,882	✓	(6,500)	
<b>Total Transport</b>	<b>2,145,857</b>	<b>4,281,778</b>	<b>50.12%</b>	<b>3,866,115</b>	<b>✓</b>	<b>(415,663)</b>	
<b>Total Capital Works Program 2021/22</b>	<b>7,586,762</b>	<b>19,282,178</b>	<b>39.35%</b>	<b>20,422,594</b>	<b>!</b>	<b>1,140,416</b>	

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Commentary is provided below on forecast capital expenditure variances of \$20,000 or greater:

**1) Amenities**

The favourable variance to the budget reflected in the forecast is expected to be revised over the coming weeks, with the full budget allocation now expected to be spent.

**2) Community Facilities**

**3)** Multi-purpose facility forecast of \$200k over budget, minor variations and credits throughout the project but largely due to variation with steel work and subcontractor engagement, along with variation to main meeting room size and inclusion of audio visual fit out.

**4) Playgrounds**

The increase in cost for playgrounds is due to an additional \$500,000 being received from the State Government for the ANZAC Park All Abilities Playground. The increase in capital expenditure is fully offset by grant funding.

**5) Recreational Reserves**

The increase in expenditure is due to the approval of \$655,756 of capital funding for the Table Cape Lookout approved at the Council's November meeting. This expenditure is partly offset by \$305,333 of grant funding under the Building Better Regions Fund.

**6) Wynyard Reserves**

Lower than the budgeted expenditure is expected for Wynyard reserves due to the Camp Creek rehabilitation project tender price being lower than initially expected.

**7) Plant & Vehicle Replacements**

Plant and vehicles replacement expenditure is expected to be lower than budgeted due to lower changeover costs for the replacement of a New Holland tractor and some fleet vehicles.

**8) Software and IT Replacements**

The reduction in capital expenditure for software and IT replacements is due to \$20,000 of funding for an online booking system carried forward from 2020-21, which is no longer required (development occurred for the booking system out of last year's budget).

**9) Outdoor Sporting Facilities**

The increase in capital expenditure for outdoor sporting facilities is due to:

- \$433,394 of expenditure for the Cardigan Street Sub-surface drainage works which was approved by Council at its September meeting.
- an increase of \$38,852 of expenditure for the Cardigan Street Lighting Upgrade as reported to Council at its August Meeting.

**10) Bridge Renewals**

Bridge renewals are forecast to be lower than budget due to the lower cost for the bridge replacement at Takone Road as reported to Council at its September meeting.

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### 11) Footpaths & Kerbs

Footpaths and kerbs expenditure is expected to be lower than budget due to lower costs for the Little Goldie & York Street footpaths.

### 12) Other Transport

The reduction in expenditure for Other Transport is due to lower than expected costs for projects at Preolenna and Port roads funded under the Safer Rural Roads Program.


### 13) Urban Upgrade

Urban upgrade expenditure is expected to be higher than budgeted due to higher than budgeted costs for major patching works at Pelissier Street Somerset.

A key assumption in the cash flow forecasts for Council as at 30 June is the completion of the capital works program as set by Council. To date, 38% of the capital budget has been spent. The following projects are expected to be continuing as at 30 June 2022. This will impact the timing of expenditure and Council will hold a higher level of cash at year end which will be spent next financial year.

- ANZAC Park All Abilities Playground
- Erosion mitigation works
- IGA intersection upgrades
- Flood mitigation projects
- Yolla public toilet
- Coastal pathway
- Table Cape lookout

## 9.13 SENIOR MANAGEMENT REPORT

To: Council  
 Reporting Officer: Executive Officer  
 Responsible Manager: General Manager  
 Report Date: 6 May 2022  
 File Reference: 1312  
 Enclosures: 1. Letter from Minister for Local Govt. Election Caretaker  
 Period Policy 

### RECOMMENDATION

**That Council note the monthly Senior Management Report**

### SUMMARY/PURPOSE

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

### GENERAL MANAGERS OFFICE

#### ACTIVITIES SINCE LAST COUNCIL MEETING

Listed below is a summary of activities undertaken by the General Manager during the period 7 May 2022 to 10 June 2022.

#### **Corporate**

- Council's Enterprise Agreement 2022 has been accepted with 76% of voters in favour of the agreement (73 votes to 23 votes). An online voting platform was used for the first time and of 109 registered voters, 96 responded to the ballot notification. The agreement is based on wage increases of 3% for each year of the agreement, coupled with key changes to family violence, parental and emergency leave provisions, improved benefits for on-call staff and a significant number of administrative changes.
- A number of staff information briefings were held prior to the voting period. This has been a lengthy process and the contribution of bargaining representatives for their contribution and time spent during the negotiation process is acknowledged.
- Met with the new General Manager of Circular Head Council, Vanessa Adams on a number of occasions initially as an introductory catch-up and subsequently to discuss resource sharing, both existing arrangements and future opportunities
- Participated in the Work Inspirations program with grade nine students from Wynyard High School
- Initiated a planning services review to consider Council's performance in the delivery of its planning services including matters related to customer responsiveness, and the identification of areas for potential improvement
- Attended the Wonders of Wynyard to celebrate the centre's recent win at the Australian Tourism Awards. A small event was conducted to acknowledge staff, volunteers and other partners



### **Community**

- Continued to meet with representatives of the Wynyard Yacht Club on the new building and proposed lease and finalised execution of the agreement
- Continued to meet with representatives of BighArt on the new building and proposed lease and finalised execution of the agreement
- Met with proponents of the Table Cape Lighthouse Project to discuss progress with the projects and explore opportunities to address current roadblocks
- Met with Venture Minerals who provided a status update on their Mount Lindsay, Livingstone and Riley projects
- Attended Council's Volunteer Recognition event
- Attended the official completion event for the lights at the Somerset Recreation Ground hosted by the Somerset Sharks
- Met with representatives of the Boat Harbour Beach Surf Life Saving Club to discuss the progress of the masterplan implementation and delivery
- Met with the Manager of the Burnie Airport to discuss their current performance and operational waste collection changes
- Attended an industry visit at Vincent Industries

### **Industry**

- Attended the Business North West breakfast meeting where the guest speaker was Belinda Lynch, Burnie City Council providing an overview of their draft budget out for public consultation
- Attended the Business North West breakfast meeting where the guest speaker was Jessica Richmond from Ellis Richmond discussing carbon accounting and offsetting emissions
- Met with the North West Director of the Office of the Coordinator-General to discuss projects and opportunities in the Waratah-Wynyard area
- Attended two meetings of the North West General Managers. Speakers included Dr Rebecca Kelly from NRM and Kate Graham from Hobart City Council to discuss a state-wide proposal for climate change action planning.
- Attended the Cradle Coast Waste Management Group General Managers Meeting
- Presented at the West by North West Regional Tourism Organisation Board meeting to provide an overview of the projects and activities of Council

### **Other**

- Participated a Board meeting of the Cradle Coast Authority
- Met with Minister Roger Jaensch to provide an update on Council projects and initiatives

### Legislative Changes

On 24 May, the Minister for Local Government, introduced the *Local Government Amendment (Elections) Bill 2022* making voting compulsory at the local government elections later this year.

The legislation also includes changes to simplify the ballot papers to only require marking 1 to 5 preferences. This was a specific sector ask in previous rounds of consultation.

Given the notice was less than 24 hours, and in the absence of a formal Council position, Council did not provide any representation to the proposed legislative change.

The attached letter received from the Minister for Local Government, Mr Nic Street (attached) also indicates that Council should consider development of a Caretaker Period Policy. This will be developed for consideration at a future meeting.

### Administration – Use of Corporate Seal

12/5/22	Final Plan and Schedule of Easements	SD2108 9 Irby Circus Sisters Beach, new dwelling, carport and subdivision
20/5/22	Grant Deed Amendment	Breathe, Eat, Move & Relax (report dates changed)
23/5/22	Lease Agreement	Multi-Purpose Facility – Wynyard Yacht Club Inc.
1/6/22	Grant Deed	Education Department – Minor Infrastructure Upgrades at Childcare \$15k
3/6/22	Grant Deed	National Flood Mitigation Infrastructure Program \$1.0m
7/6/22	Contract of Employment	General Manager

### **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	28 March 2022	5.00pm	18
Somerset	27 June 2022	5.00pm	
<b>TOTAL</b>			<b>57</b>

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## WORKING GROUPS

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

	<b>Elected Member Representatives</b>	<b>Responsible Officer(s)</b>	<b>Status</b>
Wynyard Show Grounds	Cr Bramich Cr Edwards Mayor (ex-officio)	General Manager Recreation Liaison Officer Executive Officer (GM office)	No change from last meeting. Not likely to meet until Wynyard Sporting Precinct planning progresses
Somerset Sporting Precinct	Cr Duniam Cr Hyland Mayor (ex-officio)	General Manager Manager Community Activation Recreation Liaison Officer	Options Review Paper presented to this meeting for consideration and determination of next steps.
ANZAC Park		Director Community & Engagement	Tender approved and construction commenced. No meetings of group likely to be held from this point.
Boat Harbour Masterplan	Cr Courtney Cr Fairbrother Cr Bradley Mayor (ex-officio)	General Manager Executive Officer (GM office)	Working Group members and Council Officers continue to work on sourcing funds for project. To date \$4.5m has been secured. A Project Manager has been appointed to manage the next steps moving forward with the next working group meeting expected to be within 4-6 weeks.

**PLANNING PERMITS APPROVED UNDER DELEGATION - May 2022**

DA No.	Applicants Name	Location	Development	Date Permit Issued	No of Days to Process	(D)Discretionary (P)Permitted
DA 37/2022	C & S Shailer	68 Irby Boulevard Sisters Beach	Outbuilding (Carport)	2.05.2022	47	D
DA 28/2022	PLA Designs Pty Ltd	40 Old Bass Highway Wynyard	Dwelling Extension (Carport)	2.05.2022	45	D
DA 39/2022	J & B St John	16 Hardys Road Somerset	Horse Arena (Private Use)	2.05.2022	46	D
DA 47/2022	Abel Drafting Services P/L	21 Rose Street Wynyard	Dwelling Extension (Verandah)	2.05.2022	47	D
DA 57/2022	PLA Designs Pty Ltd	306 Village Lane Somerset	Outbuilding (Garage)	5.05.2022	30	P
DA 43/2022	A & R Okines	72 Walker Street Wynyard	Shed Extension	6.05.2022	43	D
DA 24/2022	PLA Designs Pty Ltd	143 Old Bass Highway Wynyard	Ancillary Dwelling & Outbuilding (Carport)	10.05.2022	41	D
DA 53/2022	PLA Designs Pty Ltd	1C Wragg Street Somerset	Retaining Wall & Fence	16.05.2022	41	D
DA 45/2022	PLA Designs Pty Ltd	139 Irby Boulevard Sisters Beach	Dwelling Extension & Container	17.05.2022	35	D
SD 2145	Julie Spence	1483 Calder Road Calder	Boundary Reconfiguration (2 into 2 lots)	19.05.2022	50	D
DA 55/2022	PLA Designs Pty Ltd	198 Reservoir Drive Wynyard	Outbuilding Extension	26.05.2022	45	D
DA 37/2021	Abel Drafting Services P/L	Bass Highway Sisters Creek (CT 135540/2)	Dwelling	27.05.2022	43	D
SD 2138	EnviroPlan	340 & 342 Back Cam Road Somerset	Subdivision (2 into 3 lots)	30.05.2022	42	D
SD 2148	M Grey & T & M Ellis	17 Simpson Street Somerset	Subdivision (1 into 2 lots) & Outbuilding Demolition	30.05.2022	42	D

**BUILDING PERMITS APPROVED – May 2022**

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

Permit Number	Applicants Name	Location	Development	Date Permit Issued	No of Days to Process	Related Planning Approval
PSC-W-2022-2-01	M & S Dixon	19 Banksia Avenue Sisters Beach	Conversion of Shed to Ancillary Dwelling	10.05.2022	0	DA 126/2021

## COUNCIL MEETING ACTIONS – OPEN COUNCIL

DATE	ITEM	TOPIC	ACTION/STATUS	OFFICER	STATUS
10/12/18	10.1	Wilkinson Street Highway Junction works Amended Motion carried	That Council on receipt of assurances from DSG that council legal expenses associated with any representation and associated legal process will be reimbursed. <i>Works to undertake the closure of Wilkinson Street commenced 16 May 2022 and are expected to be completed late 2022.</i>	MPE	Complete
22/6/20	8.2	NOM – Cr Fairbrother – Crown Land	Motion Carried - That Council consider that where areas of Crown land separate a road and a property boundary, for the purposes of planning, that the area be incorporated and or considered as a Part of the road reserve. <i>Council staff met with Minister Jaensch's office and they are going to follow up the option of Crown Land Services essentially providing a waiver that they have no interest where "impact" is limited to existing access running through Crown Land. No further progress.</i>	MDRS	Progressing
19/10/20	7.3.3	CQWON – Cr Fairbrother – Building and Planning Statistics Reporting	Cr Darren Fairbrother asked if it was possible to have additional information added to building and planning reporting contained within the Senior Management Report each month to enable Councillors to be aware of what is happening with current applications that may not have progressed to advertising. For example, applications received, awaiting additional information or currently on advertising. <i>This request has been factored into the scope for an external planning services review. An Expression of Interest process has begun and closes on 20 May 2022.</i>	GM	Progressing
16/11/20	7.3.6	CQWON – Cr Courtney – Expenditure Monitoring	Cr Courtney asked if the General Manager could advise how Councillors could be provided with further information and detail of purchases, in light of proposed changes to the purchasing policy. <i>Presentation on reporting and audit framework and how finances are managed to be presented to future Councillor workshop.</i>	DOP	In progress
15/11/21	9.6	ROC – Future Use of 0 Ballad Avenue, Wynyard (187575)	Motion Carried - That Council: <ol style="list-style-type: none"> <li>1. note the Flora and Fauna Assessment Report for 0 Ballad Avenue, Wynyard;</li> <li>2. instruct Council Officers to register the natural values identified at the site with the Department of Primary Industries, Parks, Water and Environment (DPIPWE) to inform future development compliance;</li> <li>3. instruct Council Officers to continue to undertake appropriate weed containment management measures to prevent the spread and future occurrence of controlled weeds; and</li> <li>4. defer the expression of interest for sale or development of the land for residential purposes in order to undertake an assessment into the site's suitability for other public recreational uses whilst preserving the natural values identified in the flora and fauna assessment.</li> </ol>	DOP	Progressing

			<i>The Draft Ballad Avenue Reserve Development Options Paper community consultation has closed, and feedback is being assessed. A report outlining this feedback is included as part of this agenda.</i>		
21/2/22	8.3	NOM – D Fairbrother – Planning Matters	<p>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:</p> <ol style="list-style-type: none"> <li>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;</li> <li>Repair, replacement and renovation of existing buildings in areas of designated landslip A; and</li> </ol> <p>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</p> <p><i>Letter yet to be sent</i></p>	DIDS	In Progress
16/5/22	5.3.4	PQWON – C Hutchison – Mayor Walsh	<p>Mr Hutchison of Preolenna asked if the Mayor had consulted with the broader community or fellow councillors before associating the Waratah-Wynyard brand as being supportive of a Liberal candidate for the Federal Election, Gavin Pearce, and whether he thought it is a good precedent to set for this Council for a Mayor to be in paid advertisements for political organisations and parties</p> <p><i>Refer response this agenda</i></p>	GM	Complete
16/5/22	5.3.5	PQWON – C Hutchison – Cr Fairbrother	<p>Mr Hutchison of Preolenna asked a question of Cr Fairbrother: Cr Fairbrother you have been convicted of a criminal offence; you state you are reviewing your position - when will this review be complete. What do you say to this municipality and in regard to the offence you have been charged with, indecent exposure, was it an isolated incident or have you engaged in this type of activity in the past?</p> <p><i>Refer response this agenda</i></p>	GM	Complete
16/5/22	7.3.1	CQWON – Cr Duniam – Planning Infringements	<p>Cr Mary Duniam asked that a list of all planning infringements for the current and previous financial year be provided.</p> <p><i>Refer response this agenda.</i></p>	MDRS	Complete
16/5/22	7.3.2	CQWON – Cr Courtney – Policy Regarding Political Advertisements	<p>Cr Andrea Courtney asked if a policy should be in place to ensure that Councillors do not participate in advertising of political parties.</p> <p><i>Refer response this agenda</i></p>	GM	Complete
16/5/22	7.3.3	CQWON – Cr Bramich – Line Marking	<p>Cr Gary Bramich noted that now the line marking where water trucks are filled on Goldie Street has been completed, the problem of car parking has moved from one side of the road to the other. Cars are now parking near where the trucks fill up at the water station causing a problem. May need filling station to be moved.</p> <p><i>Refer response this agenda</i></p>	DIDS	Complete

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**9.14 MINUTES OF OTHER BODIES/COMMITTEES**

Nil received.

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**10.0 MATTERS PROPOSED FOR CONSIDERATION IN CLOSED MEETING****RECOMMENDATION**

**THAT THE COUNCIL RESOLVES BY AN ABSOLUTE MAJORITY THAT THE MATTERS LISTED BELOW BE CONSIDERED IN CLOSED MEETING:**

<b>MATTER</b>	<b>LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015 REFERENCE</b>
<i>CONFIDENTIAL REPORT R15 (2) - CONFIRMATION OF CLOSED MINUTES OF PREVIOUS MEETING</i>	15 (2)
<i>CONFIDENTIAL REPORT R15 (2) – NOTICES OF MOTION – NIL RECIEVED</i>	15(2)
<i>CONFIDENTIAL REPORT R15 (2) (H) - LEAVE OF ABSENCE REQUEST – COUNCILLORS NIL RECIEVED</i>	15(2)(H)
<i>CONFIDENTIAL REPORT R15 (2) - CLOSED SENIOR MANAGEMENT REPORT</i>	15(2)

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**11.0 CLOSURE OF MEETING TO THE PUBLIC****RECOMMENDATION**

**THAT THE COUNCIL RESOLVES BY AN ABSOLUTE MAJORITY THAT GO INTO CLOSED MEETING TO CONSIDER THE FOLLOWING MATTERS AT \_\_\_\_\_PM:**

<b>MATTER</b>	<b>LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015 REFERENCE</b>
<i>CONFIDENTIAL REPORT R15 (2) - CONFIRMATION OF CLOSED MINUTES OF PREVIOUS MEETING</i>	15 (2)
<i>CONFIDENTIAL REPORT R15 (2) – NOTICES OF MOTION – NIL RECIEVED</i>	15(2)
<i>CONFIDENTIAL REPORT R15 (2) (H) - LEAVE OF ABSENCE REQUEST – COUNCILLORS NIL RECIEVED</i>	15(2)(H)
<i>CONFIDENTIAL REPORT R15 (2) - CLOSED SENIOR MANAGEMENT REPORT</i>	15(2)



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**12.0 RESUMPTION OF OPEN MEETING**

At ..... pm the Open Meeting was resumed.

**13.0 PUBLIC RELEASE ANNOUNCEMENT**

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

Min. No.	Subject	Decisions/Documents

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