



**ORDINARY MEETING
OF COUNCIL**

**MINUTES
OPEN MEETING**

17 April 2023

TABLE OF CONTENTS

1.0	RECORD OF ATTENDANCE	5
1.1	ATTENDANCE.....	5
1.2	APOLOGIES	5
1.3	LEAVE OF ABSENCE PREVIOUSLY APPROVED	5
2.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	6
2.1	CONFIRMATION OF MINUTES OF PREVIOUS ORDINARY COUNCIL MEETING.....	6
2.2	CONFIRMATION OF MINUTES OF PREVIOUS SPECIAL COUNCIL MEETING	6
3.0	DECLARATIONS OF INTEREST	7
4.0	COUNCILLORS ANNOUNCEMENTS AND REPORT	8
4.1	ANNOUNCEMENTS BY MAYOR.....	8
4.2	MAYOR'S COMMUNICATIONS.....	8
4.3	REPORTS BY DELEGATES.....	8
4.4	NOTIFICATION OF COUNCIL WORKSHOPS.....	9
5.0	PUBLIC QUESTIONS AND STATEMENTS.....	10
5.1	RESPONSE(S) TO PUBLIC QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING	10
5.1.1	C HUTCHISON - OLDINA RESERVE	10
5.1.2	C HUTCHISON - OLDINA RESERVE	10
5.1.3	C HUTCHISON - OLDINA RESERVE	11
5.2	PUBLIC QUESTIONS RECEIVED IN WRITING	11
5.3	PUBLIC QUESTIONS WITHOUT NOTICE	11
5.4	PUBLIC STATEMENTS RECEIVED IN WRITING.....	12
5.5	PUBLIC STATEMENTS WITHOUT NOTICE	12
6.0	PLANNING AUTHORITY ITEMS	14
6.1	PUBLIC QUESTIONS WITHOUT NOTICE – RELATING TO PLANNING MATTERS.....	14
6.2	PUBLIC STATEMENTS - RELATING TO PLANNING MATTERS	14
6.3	CAFÉ, TASTING BAR & VISITOR ACCOMMODATION (7 X UNITS) LOCATED AT 472 TOLLYMORE ROAD, TABLE CAPE - DA 214/2022	15
6.4	REDEVELOPMENT OF BOAT HARBOUR BEACH FORESHORE (NEW CAFÉ, SLSC BUILDING, KIOSK, PASSIVE RECREATION FACILITIES AND ASSOCIATED INFRASTRUCTURE) AND RECONFIGURATION OF ROAD LAYOUT AND PARKING AREAS LOCATED AT PORT ROAD BOAT HARBOUR BEACH - DA 325/2022	35
6.5	LIFESTYLE VILLAGE (216 DWELLINGS, CLUBHOUSE PRECINCT, UTILITY SHED, VEHICLE PARKING, ACOUSTIC FENCING AND ASSOCIATED INFRASTRUCTURE) LOCATED AT OLD BASS HIGHWAY, WYNYARD - DA 171/2021	62

6.6	UPGRADE OF SPORTS FIELD, INSTALLATION OF TRAINING LIGHTS AND OUTBUILDING DEMOLITION LOCATED AT 30 CHURCH STREET, WYNYARD - DA 51/2023	93
6.7	RETAINING WALL, PERGOLA, DECK AND WATER TANKS LOCATED AT 7 HEPPLER ROAD, BOAT HARBOUR BEACH - DA 243/2021	102
7.0	MATTERS RAISED BY COUNCILLORS.....	115
7.1	RESPONSE(S) TO COUNCILLOR QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING.....	115
7.1.1	CR HYLAND - BEAUTIFICATION OF TOWN ENTRANCE	115
7.1.2	CR JOHNSTONE - MAIN STREET BUILDING FACADES	115
7.1.3	CR RAW - DETAILS OF COMPLAINT	115
7.2	COUNCILLOR QUESTIONS RECEIVED IN WRITING	116
7.3	COUNCILLOR QUESTIONS WITHOUT NOTICE	116
8.0	NOTICE OF MOTION	117
9.0	REPORTS OF OFFICERS AND COMMITTEES.....	118
9.1	SETTLEMENT STRATEGY IMPLEMENTATION PLAN	118
9.2	FINANCIAL MANAGEMENT STRATEGY 2023-2033	123
9.3	REPORT OF THE AUDITOR GENERAL - STRATEGIC PROCUREMENT IN LOCAL GOVERNMENT	131
9.4	AWARD OF CONTRACT 797 FOR WYNYARD WASTE TRANSFER STATION SITE MANAGEMENT SERVICES	135
9.5	QUARTERLY INFORMATION REPORT - COMMUNITY AND ENGAGEMENT	139
9.6	ANNUAL PLAN UPDATE REPORT 1 JULY 2022 TO 31 MARCH 2023	159
9.7	FINANCIAL REPORT FOR THE PERIOD ENDED 31 MARCH 2023	162
9.8	SENIOR MANAGEMENT REPORT.....	164
9.9	MINUTES OF OTHER BODIES/COMMITTEES	166
9.9.1	MINUTES OF OTHER BODIES/COMMITTEES - SUSTAINABILITY AND ENVIRONMENTAL ADVISORY PANEL HELD 21 MARCH 2023.....	166
9.9.2	MINUTES OF OTHER BODIES/COMMITTEES - AUDIT PANEL COMMITTEE HELD 28 MARCH 2023	170
10.0	MATTERS PROPOSED FOR CONSIDERATION IN CLOSED MEETING	173
11.0	CLOSURE OF MEETING TO THE PUBLIC.....	174
12.0	RESUMPTION OF OPEN MEETING	175
13.0	PUBLIC RELEASE ANNOUNCEMENT.....	175

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

MINUTES OF AN ORDINARY MEETING OF THE WARATAH-WYNYARD COUNCIL HELD AT THE COUNCIL CHAMBERS, 21 SAUNDERS STREET, WYNYARD ON MONDAY 17 APRIL 2023, COMMENCING AT 6.03PM

	From	To	Time Occupied
Open Council	6.03PM	6.26PM	23MINS
Planning Authority	6.26PM	7.00PM	34MINS
Open Council	7.00PM	7.26PM	26MINS
Closed Council	7.26PM	7.37PM	11MINS
Open Council	7.37PM	7.37PM	0MINS
TOTAL TIME OCCUPIED			94MINS

DIGITAL RECORDING OF COUNCIL MEETINGS POLICY

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

ACKNOWLEDGEMENT OF COUNTRY

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

1.0 RECORD OF ATTENDANCE

1.1 ATTENDANCE

Mayor Mary Duniam
Councillor Gary Bramich
Councillor Andrea Courtney
Councillor Kevin Hyland
Councillor Dillon Roberts
Councillor Michael Johnstone

IN ATTENDANCE

Shane Crawford - General Manager
Daniel Summers - Director Infrastructure and Development Services
Tracey Bradley - Director Community and Engagement
Mitchell Smith – Manager Financial Services
Ashley Thornton - Manager Development and Regulatory Services
Mario Ang – Graduate Town Planner
Sally Blanc - Executive Officer

1.2 APOLOGIES

Deputy Mayor Celisa Edwards.
Councillor Leanne Raw

1.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil received.

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

2.1 CONFIRMATION OF MINUTES OF PREVIOUS ORDINARY COUNCIL MEETING

MOVED BY	CR ROBERTS
SECONDED BY	CR BRAMICH

That the Minutes of the Ordinary Meeting of the Waratah-Wynyard Council held at Council Chambers, 21 Saunders Street, Wynyard on Monday 20 March 2023, a copy of which having previously been circulated to Councillors prior to the meeting, be confirmed as a true record.

The MOTION was put and was CARRIED.

IN FAVOUR

CR BRAMICH	CR COURTNEY	MAYOR DUNIAM	
CR HYLAND	CR ROBERTS	CR JOHNSTONE	

2.2 CONFIRMATION OF MINUTES OF PREVIOUS SPECIAL COUNCIL MEETING

MOVED BY	CR BRAMICH
SECONDED BY	CR ROBERTS

That the Minutes of the Special Meeting of the Waratah-Wynyard Council held at Council Chambers, 21 Saunders Street, Wynyard on Monday 3 April 2023, a copy of which having previously been circulated to Councillors prior to the meeting, be confirmed as a true record.

The MOTION was put and was CARRIED.

IN FAVOUR

CR BRAMICH	CR COURTNEY	MAYOR DUNIAM	
CR HYLAND	CR ROBERTS	CR JOHNSTONE	

3.0 DECLARATIONS OF INTEREST

Councillor and Agenda Item Number

Nil

Staff and Agenda Item Number

Nil

4.0 COUNCILLORS ANNOUNCEMENTS AND REPORT

4.1 ANNOUNCEMENTS BY MAYOR

Nil received.

4.2 MAYOR'S COMMUNICATIONS

MOVED BY	CR ROBERTS
SECONDED BY	CR BRAMICH

That the Council note the Mayors Communications:

MAYOR DR MARY DUNIAM	
14/3/23	Meeting with Senator Urquhart
14/3823	Cradle Coast Authority (CCA) Reps. Meeting
15/3/23	Meeting with Anita Dow MP
16/3/23	LGAT Mayors Professional Development Workshop
17/3/23	LGAT General Meeting
20/3/23	Women's Housing Working Meeting
20/3/23	Council Meeting
22/3/23	Citizenship Ceremony
23/3/23	TLAB Meeting
23/3/23	Metro Tas Function
24/3/23	DPAC Governance Group - Councillor Learning & Development
27/3/23	TasWater Board Selection Committee Meeting
27/3/23	Councillor Workshop
28/3/23	Council Audit Panel Meeting
28/3/23	Meeting with Brumby Hills Aboriginal Corporation
3/4/23	Special Council Meeting
3/4/23	Councillor Workshop
4/4/23	Wynyard High School Hospitality and Tourism Students Garden Party
5/4/23	CCA Executive Committee Meeting
5/4/23	Red Hat Society Luncheon
5/4/23	ANZAC Park – Advocate
6/4/23	Hansa Class National Championships Opening

The MOTION was put and was CARRIED.

IN FAVOUR

CR BRAMICH	CR COURTNEY	MAYOR DUNIAM	
CR HYLAND	CR ROBERTS	CR JOHNSTONE	

4.3 REPORTS BY DELEGATES

Nil received.

4.4 NOTIFICATION OF COUNCIL WORKSHOPS

Councillor Attendance Records

New Council Commenced 8/11/22 Meetings attended during 2022/23 (to 13/3)

	Ordinary Meetings 2022/23 (5)	Special Meetings 2022/23 (1)	Workshops 2022/23 (15)	Community Conversations 2022/23 (0)	Weeks Leave Approved
Mayor Dr Mary Duniam	5	1	15	0	3
Deputy Mayor Celisa Edwards	5	0	13	0	0
Cr Gary Bramich	5	1	15	0	0
Cr Andrea Courtney	5	0	13	0	0
Cr Kevin Hyland	5	1	15	0	0
Cr Michael Johnstone	4	1	14	0	0
Cr Leanne Raw	5	1	15	0	0
Cr Dillon Roberts	5	1	15	0	0

MOVED BY	CR HYLAND
SECONDED BY	CR JOHNSTONE

That the Council note the following Workshops:

22/3/23	Banksia Avenue Roads to Recovery Grants Annual Plan 2023/24 Capital Budget 2023/24
3/4/23	Operational Budget 2023/24

The MOTION was put and was CARRIED.

IN FAVOUR

CR BRAMICH	CR COURTNEY	MAYOR DUNIAM	
CR HYLAND	CR ROBERTS	CR JOHNSTONE	

5.0 PUBLIC QUESTIONS AND STATEMENTS**5.1 RESPONSE(S) TO PUBLIC QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING****5.1.1 C HUTCHISON - OLDINA RESERVE****QUESTION**

Mr Hutchison of Preolenna asked what the status of the Stakeholder group is and the next steps for this group. He also asked if any of the ideas previously submitted by himself and others regarding options for Oldina Reserve had been shared with the Stakeholder Group and if not why not.

OFFICERS RESPONSE

The brief for the group was to discuss ideas that were generated from the stakeholder group meeting. The only idea generated at the meeting that has not been discussed previously was freedom camping. A group member agreed to research the idea further and contact STT directly if they wanted to pursue it further.

It was agreed by the group that the best course of action was to contact STT directly as it is their land. STT clearly stated in the meeting that the land is part of a working forest and any ideas generated by individuals would have to realise that area would be regularly logged. The forests are leased to another company as a production forest to harvest.

5.1.2 C HUTCHISON - OLDINA RESERVE**QUESTION**

Mr Hutchison of Preolenna stated that the Notes of the Oldina Working Group meeting record that there was consensus that it would be difficult for any group to take on the site and look after it, due to many clubs now lacking in volunteers and expertise, similar to what happened with the Pony Club proposal. He asked based on what information and data would it be difficult for groups to care (for site) based on lack of volunteers and expertise.

The question was taken on notice

OFFICERS RESPONSE

At the meeting, one of the group members stated that it may be unlikely that a group consisting of volunteers would want to manage the Oldina Reserve as a lot of volunteer groups have dwindling membership and a lack of expertise. It was discussed that this was one of the reasons that the Pony Club decided not to pursue moving there. The group agreed that it would be difficult for a volunteer group to have sufficient volunteer hours to manage the maintenance, security and general upkeep of the site.

Only eight people registered to be part of the Oldina Reserve stakeholder group and six actually attended. Only one of the participants belonged to a volunteer group, the Volunteer Fire Brigade, but he stated his interest was in the whole plantation area for firefighting planning response of the area.

5.1.3 C HUTCHISON - OLDINA RESERVE

QUESTION

Mr Hutchison asked what is point of council involvement and this whole process when any one can go to STT and submit a proposal. He noted that he thought the process was to determine how council could help give public access to the reserve.

The question was taken on notice.

OFFICERS RESPONSE

It has been made clear throughout the entire process, and again as part of the expression of interest placed on the Council website, that Council's involvement has been to facilitate and advocate, and in this case to facilitate a meeting between STT (the landowner) and any interested community members.

The aim was to bring STT together with interested community members so that STT could help give the public access to the reserve through the group generating suitable ideas. The group members and STT agreed that it made sense that any ideas should be discussed with STT in the first instance because they own the land.

5.2 PUBLIC QUESTIONS RECEIVED IN WRITING

Nil received.

5.3 PUBLIC QUESTIONS WITHOUT NOTICE

5.3.1 K EWINGTON - MANGEMENT OF RAGWORT

Mr Ewington of Flowerdale noted that there is still an issue with Ragwort in the community and noted property on Gates Road as an example. He asked why this farm is allowed to cultivate noxious weed and when will Council take action to control the problem.

The General Manager advised that he would not discuss individual properties at this forum, that Mr Ewington was aware of the status of the matter and that council would continue to pursue actions where necessary.

5.3.2 K EWINGTON - BRUCE'S CAFE DISABLED PARKING BAY

Mr Ewington of Flowerdale asked for an update on when changes to the disabled parking bay at Bruce's Café would be made.

The General Manager advised that plans had been finalised and council was waiting on the owner to provide a preferred time for works to occur.

5.3.3 P SCHULTZ - BALLAD AVENUE

Ms Schultz of Wynyard asked if Council would consider leaving Ballad Avenue as it is to strengthen the Inglis River riparian reserve.

The General Manager advised that the matter was still being investigated.

5.3.4 K NICHOLS - EAST WYNYARD BOARDWALK

Mr Nichols of Wynyard noted that the boardwalk near the Beach Caravan Park was too narrow and slippery and asked when an upgrade would be done.

The Director Infrastructure and Development Services stated that a tender has been awarded for upgrades to the pathway and work is scheduled to commence in early June 2023.

5.3.5 K NICHOLS - ENCLOSED DOG PARK AREA

Mr Nichols of Wynyard asked if a decision had been made on a location for an enclosed dog park area in Wynyard.

The General Manager noted that council has funds available in this year's budget to construct a dog park. Council is currently waiting on further information so a site can be determined and work can commence.

5.4 PUBLIC STATEMENTS RECEIVED IN WRITING

Nil received.

5.5 PUBLIC STATEMENTS WITHOUT NOTICE

5.5.1 K EWINGTON - COUNCIL ROLE - ACCESS, INCLUSION AND SAFETY

Mr Ewington of Wynyard made a statement regarding access, inclusion and safety for all residents. He noted several areas of concern that he believes need Council to take action:

- York Street – speed limit reduction to ensure safety of children at the bus stop.
- A section of concrete lifted during construction of the IGA Wynyard car park has not been fixed even though car park completed several months ago.
- He noted there are no “mums with prams” parking spaces at the new IGA Wynyard car park.
- He stated he believes council has not put in enough tactile pavers for visually impaired residents at this new intersection.
- Cars are backing out of car park into oncoming traffic – believes it should be one way traffic through the car park with separate entry and exit.

5.5.2 K NICHOLS - ENCLOSED DOG PARK

Mr Nichols of Wynyard made a statement regarding the need for an enclosed dog park in Wynyard. He noted various other venues and in particular the dog park at St Helen's which he recently visited.

Mr Nichols also noted the poor condition of the boardwalk near the Beach Caravan Park and the urgent need for an upgrade. He stated he believes the path is too narrow and is very slippery when wet or frosty.

5.5.3 P SCHULTZ - BALLAD AVENUE

Ms Schultz of Wynyard read the following statement:

Pam Schultz - environmental and social scientist – a resident of Wynyard since Aug 2021 but a regular visitor to Wynyard since 2003.

I would first like to acknowledge the Tommeginer People, the original custodians of this land where we meet tonight and pay respects to all First nations people past, present, and future.

Almost a year to the day, the previous Mayor Walsh put forward a proposal for a dog and motorhome park off Ballad Ave and asked for submissions. Immediately I sent my submission against this area, and suggested that this area would be perfect to offset the loss of trees around Wynyard and to also strengthen the Inglis R riparian buffer zone that is fragmented and degraded.

For instance, in Ballad Ave (10 trees), Camp Creek Esplanade (7 trees plus many limbs of standing trees, some with hollows), Hogg St subdivision where tonnes of soil has been dumped onto the flood plain, Hale St subdivision, removing old growth trees alongside the Big Creek riparian and the Old Bass Hwy subdivision next to the golf course to name a few. The loss of these trees is shameful in the face of climate change and biodiversity conservation.

To re-iterate, my aim tonight is to highlight an opportunity to strengthen the wildlife corridor adjacent to Ballad Ave outlined in my submission, to help offset the loss of trees I have witnessed since late 2021. This is an easy action for this council to adhere to their own iCEP plan. I re-sent the Ballad Ave submission late last week for tonight's meeting.

Conclusion

It is vitally important for WWC to keep their eyes open to serious Climate Change and biodiversity loss consequences. This can be achieved by adhering to Laws pertaining to water quality, enhancing waterway riparian corridors and to seriously consider not allowing subdivisions to be built on wetlands or flood-prone areas.

Thank you for listening. PS

6.0 PLANNING AUTHORITY ITEMS**PLANNING AUTHORITY OPENED AT 6.26PM****6.1 PUBLIC QUESTIONS WITHOUT NOTICE – RELATING TO PLANNING MATTERS****6.1.1 L DICKER - SUBDIVISION OLD BASS HIGHWAY**

Mrs Dicker of Wynyard noted the existing issues with septic tanks being installed in the area with her neighbour currently having many problems and asked, if existing properties were having issues how will the infrastructure be able to cope with an extra 216 properties.

The Manager Development and Regulatory Services advised that the development would be connected to the sewer system and there would be no need for septic systems to be installed.

6.1.2 L DICKER - SUBDIVISION OLD BASS HIGHWAY

Mrs Dicker of Wynyard asked why the development is based on a land lease and not subdivision or strata; this implies that council and the community will not be receiving rates from individual houses, why is this the case.

The Manager Development and Regulatory Services advised that the proposal is to keep the site as one property. The property will still be rated, the Valuer General will assess the value of property and improvements and determine the amount of rates to be paid.

6.1.3 L GREGG - CONNECTION TO SEWER

Mrs Gregg of Wynyard noted that she is having considerable issues installing a septic system and asked, If a new sewer system is going into the subdivision at Old Bass Highway, why wasn't she given the option to connect as part of her new build.

The Manager Development and Regulatory Services noted that the subdivision has to pay for the connection to the TasWater sewer system at significant cost. Once the system is established individual property can apply to connect to the system. Property owners can fund connection to the TasWater system themselves now, however the costs would most likely be considerably more than the amount spent to date on the septic system.

6.2 PUBLIC STATEMENTS - RELATING TO PLANNING MATTERS

Nil received.

6.3 CAFÉ, TASTING BAR & VISITOR ACCOMMODATION (7 X UNITS) LOCATED AT 472 TOLLYMORE ROAD, TABLE CAPE - DA 214/2022

To: Council
Reporting Officer: Town Planner
Responsible Officer: Manager Development and Regulatory Services
Report Date: 8 March 2023
File Reference: 7083857
Supporting Documents: 1. Consolidated advertised documents 
2. Representation 1 
3. Representation 2 
4. Representation 3 
5. Representation 4 
6. Representation 5 
7. Representation 6 
8. Signed extension of time 

PURPOSE

The purpose of this report is for Council to consider the merits of the application DA 214/2022 against the requirements of the *Waratah-Wynyard Interim Planning Scheme 2013*.

BACKGROUND

The subject site is a 2.027ha vacant property located on the northern side of Tollymore Road. It is located in a Rural Resource zoned area containing a mix of residential and agricultural uses. Properties to the east, west and to the south-west across Tollymore Road contain single dwellings and associated outbuilding development. The lot to the south and south-east across Tollymore Road is a large agricultural lot currently used for cropping purposes. It contains several farm sheds. Land to the north of the site is zoned Environmental Management and is a coastal reserve managed by Parks & Wildlife.

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

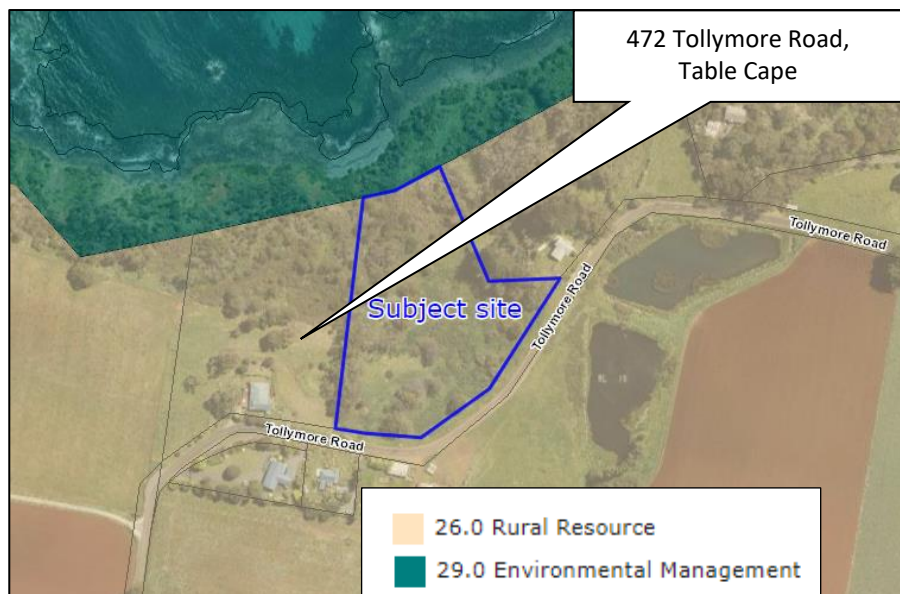


Figure 1: Subject site with zoning

DETAILS

The applicant is seeking approval for a café, tasting bar and visitor accommodation on vacant land at 472 Tollymore Road, Table Cape.

Buildings 1 and 2 contain visitor accommodation. The café and tasting bar are in the third building. A series of ground level and elevated walkways connect the three structures.

The café and Building 2 are setback approximately 13.2m and 12m respectively from Tollymore Road. Building 1 is located between these structures, further into the site approximately 48m from the road. All three buildings are well away from side and rear boundaries, with the closest distance being the 25m setback of Building 2 from the northern side boundary.

The building housing the café and tasting bar has a maximum height of 9.475m and a building footprint of approximately 232m². It is predominantly clad in timber with a mix of Colorbond and painted aluminium roofing. The café has capacity for 64 persons with decks adjoining the south-western and south-eastern elevations of the building. Also on the upper level are a kitchen, storeroom, toilet, accessible toilet and stairway to lower level.

The tasting bar on the lower level has capacity for 16 persons and includes a serving area, storeroom and toilet. Proposed hours of operation for the café and tasting bar are from 8:30am to 10:00pm Monday to Sunday. It is intended for the café to utilise local produce from the region and for the tasting bar to be used for private functions.

Building 1 (cabins 1 -3) and Building 2 (cabins 4 – 7) each have a site coverage of approximately 160m². Both buildings are predominantly clad in timber with a mix of Colorbond and painted aluminium roofing. Building 1 has a maximum height of 8.867m and Building 2 has a maximum height of 8.412m.

Cabins 1-2 and 4-7 have provision for two occupants and consist of an open room with sleeping, living and dining areas as well as a kitchenette and separate bathroom. Cabin 3 also has provision for two occupants but contains separate sleeping and living/dining areas in addition to kitchen and laundry facilities as well as a separate bathroom. Each cabin also has either a deck or balcony.

The proposed parking area has capacity for 39 vehicles, including 1 accessible parking space, as well as a service vehicle bay sufficient to cater for a small rigid truck.

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 a mix of the Visitor Accommodation and Food Service use classes. These are both discretionary uses in the zone. In addition to discretionary use standards, the proposal does not comply with all the acceptable solutions for development standards and is applying for discretion under the following Clauses of the Planning Scheme:

- 26.3.1 Requirement for discretionary non-residential use to locate on rural resource land (P1);
- 26.4.1 Suitability of a site or lot on a plan of subdivision for use or development (P3); and
- 26.4.2 Location and Configuration of Development (P1, P2).

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 5 Pages;
- Cover letter x 1 Page;
- Additional information request x 2 Pages;
- Supporting report x 6 Pages;
- Proposal plans x 20 Pages;
- Traffic impact assessment x 27 Pages; and
- Environmental consultant's report x 19 Pages.

The period for representations closed on 6 March 2023. Six (6) representations were subsequently received:

- Representation 1 - B & S Hutchison
- Representation 2 - A O'Shea
- Representation 3 - A Fudge
- Representation 4 - J & A O'Shea
- Representation 5 - I McFarlane
- Representation 6 - D Wade

A map demonstrating the relationship between the subject site and the adjacent landowners is shown in Figure 2.



Figure 2: Relationship between subject site and representors properties

A summary of the issues raised by each representation and planning responses to these issues are provided below. While every effort has been made to include all issues raised, this summary should be read in conjunction with the complete representations, particularly the pictures included as part of Representations 1 and 2. These are included as an enclosure to this report.

Issues Raised:	Response:
<p>Impact on residential amenity (Representations 1 - 5)</p> <p>The use a non-residential business in a rural residential area. Tollymore Road is a farming residential area. A large-scale venue operating 7 days a week, 8:30am to 10:00pm is not compatible with the lifestyle of nearby residents.</p> <p>Residential amenity will be negatively affected by the increase in traffic and hours of operation in terms of traffic safety, inconvenience, and the level of noise in the area.</p> <p>The proposal is too large and totally out of character for the quiet rural setting. Seven accommodation units is a large number for one property and not consistent with typical B&B's and rental units elsewhere along Tollymore Road. Visitor accommodation on other properties including 400 Tollymore Road ('The Winged House') already disturbs adjacent residential uses due to visitor noise and vehicle movements.</p> <p>There are also no café/restaurant developments along the coastal section of Tollymore Road. The potential light and noise pollution from such an operation that goes against the quiet tranquil rural setting of the area.</p> <p>The accommodation depicted is tantamount to a hotel with restaurants, and alcohol consumption areas. There are already provisions for a Whiskey Distillery and Tasting Venue (Alchymia Distillery) about 1 kilometre away at the intercept of Tollymore Road with the Bass Highway. Two venues are not needed.</p> <p>The proposed tasting room has the potential to become a fulltime drinking venue whereas the distillery on the Bass Highway has limited operating hours. Alcohol consumption should only take place in licensed establishments where there are appropriate rules and supervision, not in locations which require the imbibers to drive to their place of habitation presenting a risk both to themselves and other travellers.</p> <p>The proponent has mentioned including a wedding venue at the site which would create further light/noise issues.</p>	<p>The subject site and surrounding area are zoned 'Rural Resource' under the Planning Scheme. The purpose of this zone is to provide for the sustainable use or development of resources for primary industries and to provide for other use or development that does not constrain or conflict with resource development uses.</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 discretions being exercised.</p> <p>The application for food services and visitor accommodation requires consideration under Clause 26.3.1 as a discretionary non-residential use. The objectives of this clause are as follows:</p> <p>Discretionary permit use of rural resource land is to minimise:</p> <ul style="list-style-type: none"> • unnecessary loss of resources of significance for sustainable primary industry and other permitted use, and • unreasonable conflict or interference to existing or potential primary industry use, including agricultural use, by other land use. <p>The focus is on protection of agricultural land and minimising impact on farming activities.</p> <p>Consideration of the impact of discretionary use in this zone on residential use is limited to Clause 26.3.1 Performance Criteria P1(b), which requires consideration of whether a proposal is consistent with applicable desired future character statements for the Rural Resource zone.</p> <p>Desired future character statement (c)(iv) is the only one referring to residential amenity, and this is within the context of an application needing to 'seek to minimise disturbance' to 'rural residential and visitor amenity'.</p> <p>Seeking to minimise disturbance is not a requirement to eliminate all and any possible impact but instead to substantially reduce it.</p> <p>As shown in the discussion under Clause 26.4.2 (P1) and (P2) below, the proposed development has</p>

<p>The site itself appears highly unsuited to the scale of the development being planned particularly with respect to its impact on the adjacent residents, the road, drainage, wastewater/materials handling, and the overall impact on the natural environment of Tollymore Road (building size and height). It will have a huge impact on the local area which will itself no longer be considered as such an attractive rural setting.</p> <p>What limits are there in regard to dwellings, the size of dwellings, persons, activities, firstly within subdivision SP3815 and more generally all the blocks with aspects along the sea front?</p>	<p>been designed to fit within the constraints of the site and is located within three buildings setback a comparable distance from Tollymore Road as development on adjacent properties.</p> <p>The proposal appears as a single storey structure on the road frontage and buildings are well away from side and rear boundaries, with the closest distance being 25m from the northern side boundary and 40m from the nearest dwelling in any direction.</p> <p>The proposed development area is downslope from both the road and location of dwellings on adjoining lots at 458 and 494 Tollymore Road. The position of the proposed buildings in relation to both the contours of the site and property boundaries help to mitigate the visual impact of the development.</p> <p>Regarding light pollution, the following condition will be included on any permit issued:</p> <p><i>External lighting is to be located, directed, shielded and of limited intensity so that it causes no nuisance to nearby residents or danger to passing traffic.</i></p> <p>The tasting room is intended for private functions limited to 16 persons. It serves as an extension of the café and is intended mainly for the preparation and sale of food. It is not a 'Hotel Industry' use akin to a bar, nightclub, or tavern.</p> <p>Hours of operation for the café & tasting bar are similar to other licensed food services venues. The proposed hours of operation are consistent with the requirements of the Environmental Management and Pollution Control (Noise) Regulations 2016, which set out prohibited hours of use for common noise sources including sound systems and musical instruments.</p> <p>In addition to requirements under planning and building legislation, the proponents will need to ensure that they comply with the requirements of the <i>Liquor Licensing Act 1990</i>. Whether or not a licence is granted for sale of liquor from any premises on the site is a matter for the Commissioner for Licensing. Similarly, matters relating to drink driving offences fall under the jurisdiction of the Tasmanian Police. They are not relevant considerations for Council acting as a Planning Authority in this instance.</p> <p>Additional approvals would be required from Council for use of the site as a wedding venue, which falls under the 'Community Meeting & Entertainment' use category. Any future application for this use would most likely be discretionary and require public advertising, during which time surrounding properties would have a</p>
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	<p>right to comment on the proposal. The current application is for visitor accommodation and food services use only.</p> <p>Table Cape, including properties on the northern side of Tollymore Road, is not subject to any special requirements under the Planning Scheme such as a specific area plan or site-specific qualification. There are no limits on the size or type of development, purposes for which a property can be used or number of people on site other than what is specified in the planning scheme.</p>
<p>Traffic (Representations 1-6)</p> <p>The increase in traffic will affect the safety of the existing driveway for 458 Tollymore Road and being able to enter and exit the property. Their carpark exit location is safety hazard to residents of 458 Tollymore Road. The exit should be at least 30 to 40 metres from the shared boundary.</p> <p>The change in gradient and the curvature of the road opposite 494 and 472 Tollymore Road would severely restrict visibility of oncoming easterly traffic for anyone trying to enter the carpark. This potential traffic hazard does not seem to have been properly considered in the traffic impact assessment (TIA).</p> <p>The road in that location is unsuited for the frequent daily activity that would be generated by such an establishment. Tollymore Road is a rural road used on a daily basis by local residents (cars, utes and bicycles) as well as tractors, large and heavy farm machinery, and milk tankers. It is relatively narrow with three nearby blind corners. Cars, campervans, caravans and tour buses use the road in peak tourist season (October to April) and it is not possible to travel with vehicles that are within the legal width without, on occasions, being impeded by or impeding oncoming traffic.</p> <p>Currently there is some daytime tourist traffic however this proposal would increase the traffic up to 10pm at night. This will have a significant impact on the indigenous wildlife on Tollymore Road.</p> <p>Additional issues would occur in times of harvest when heavy rural machinery uses the road at night. Drink driving is a risk given the rural location and minimal police presence in Wynyard at night.</p> <p>Consideration should be given to reducing the speed limit on the end of Tollymore Road reduced to 80 km/hr or less, especially if the project were given the go ahead.</p>	<p>A Traffic Impact Assessment (TIA) prepared by Keith Midson of Midson Traffic Pty Ltd was submitted with the application. Mr Midson is a suitably qualified traffic engineer.</p> <p>The purpose of a TIA is to provide an objective assessment of how vehicle and person movements to and from a development site might affect existing road and pedestrian networks. Calculations are based on relevant Australian Standards and guidelines.</p> <p>The TIA states that there is sufficient spare capacity in Tollymore Road and the surrounding road network to absorb the traffic generated from the proposed development. No specific road safety deficiencies that might be exaggerated by traffic generated were noted in the TIA.</p> <p>The development provides a total of two accesses on Tollymore Road. The accesses form a one-way loop through the site with vehicles using the southern access for entry and the northern access for exit. The proposed access to the site is considered to have adequate sight distance for the prevailing vehicle speeds on Tollymore Road and are considered capable of absorbing the traffic generation at a relatively high level of service.</p> <p>Both the layout of the carpark and number of spaces provided meet the minimum requirements of the Planning Scheme.</p> <p>It is considered that the proposal can comply with all relevant requirements of the Planning Scheme, subject to the conditions that have been recommended by Council's Engineering Department.</p> <p>Council's Engineering Department will be considering the merits of a reduction of the speed limit along Tollymore Road. However, speed limit changes can only be approved by the Commissioner for Transport. Council would need to make an application to the commissioner separate from its role as a planning authority to reduce the speed limit along Tollymore Road.</p> <p>Clause 8.10 of the Planning Scheme sets out the matters which Council must have regard to when</p>

	<p>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>Potential issues associated with roadkill, drink driving and the adequacy of police presence in Wynyard are not relevant considerations under the Planning Scheme.</p> <p>Requirements for sale and consumption of liquor on licensed premises primarily fall under the <i>Liquor Licensing Act 1990</i>. The act covers, amongst other things, the responsible sale and service of liquor and duties licensees have to persons living in the neighbourhood of the premises.</p>
<p>Carpark (Representation 2)</p> <p>Council's Engineering Department requires 10 visitor parking spaces, 30 café parking spaces and 1 small rigid truck space. Only 10 visitor parking spaces and 24 café spaces have been provided. The proposal does not include extra parking for staff which is unrealistic as this area completely relies on private transport.</p>	<p>Table E9.1 for the Traffic Generating Use and Parking Code requires 1 car parking space per unit and 1 additional space per 3 units for visitor accommodation use. As 7 units/cabins are proposed this equates to 10 parking spaces.</p> <p>For a café or restaurant, the greater yield of 15 spaces per 100 m² gross floor area (equating to 0.15 seats per m²) or 1 space per 3 seats is required.</p> <p>The café and tasting room have a combined seating capacity of 80, equating to a car parking requirement of 27 spaces when rounded up. The combined gross floor area of the café and tasting room is 156m² which rounds up to a total of 24 parking spaces. The seating capacity option is the greater, with 27 spaces required.</p> <p>The total amount of spaces required by the Planning Scheme is therefore 37 car parking spaces as well as 1 small rigid truck space.</p> <p>The proposed parking area exceeds this requirement, with provisions for 39 vehicles, including 1 accessible parking space, as well as a service vehicle bay sufficient to cater for a small rigid truck.</p>
<p>Earthworks (Representation 2)</p> <p>The application does not include sufficient detail for proposed earthworks. No geotechnical report was included with the application. Earthworks on the rock shelf under 472 Tollymore Road can damage other properties on the rock shelf, including 458 Tollymore Road. Will the owner or Council take responsibility for vibration and damage to adjacent buildings?</p>	<p>The proposal does not require assessment against the Planning Scheme's Change in Ground Level Code or Hazard Management Code. No work is proposed in a mapped medium landslip area.</p> <p>Construction requirements, including safety of the development and potential risk to adjacent land will be addressed at the building/plumbing permit stage and are not matters for Council's consideration as a Planning Authority. Potential issues associated with vibration during construction fall under the jurisdiction of the Building Surveyor supervising the construction process.</p>
<p>Position of Wastewater system (Representations 1-2, 4)</p> <p>The proposed wastewater management and disposal area is too close to 458 Tollymore Road. Table Cape</p>	<p>The application was advertised for triggering Performance Criteria P4 under Clause 26.4.1 of the Rural Resource zone provisions. However, the proposal complies with Acceptable Solution</p>

<p>is susceptible to strong winds. Properties in the area rely on tank water. The possibility of windborne contaminants affecting runoff collected for water supply poses a health risk. What would happen if the secondary treatment does not remove all the potential pathogens and such water blows amongst the units and adjacent properties?</p> <p>The effluent after the septic tanks will not have undergone any chlorination and this is being sprinkled on to an area about 40m from the dwelling at 458 Tollymore Road. There is also a slip area just below the designated sprinkling area.</p> <p>Effluent from the septic tank should be chlorinated and the area moved away from the boundary with 458 Tollymore Road.</p>	<p>A4(b)(iii) for this Clause as the site has capacity for on-site disposal of domestic wastewater in accordance with AS/NZS1547:2012 On-site domestic wastewater management clear of any defined building area or access strip.</p> <p>This is evidenced by the on-site wastewater design report prepared by Risdan Knightley of RJK Consulting Engineers and submitted with the application. Mr Knightley is a suitably qualified person to make this determination.</p> <p>A full assessment of any on-site wastewater and/or stormwater disposal system will be undertaken at the plumbing application stage, should a planning permit be granted.</p> <p>The proximity of an on-site wastewater system to adjoining properties is not a matter for Council's consideration as a Planning Authority. It just needs to be apparent that the development has the capacity to be serviced within the site.</p>
<p>Landslip risk (Representations 1, 3-4)</p> <p>A geotechnical investigation was witnessed being undertaken on the property, but no geotechnical report was submitted with the application. There are several referrals in the supplied documentation needing geotechnical input, for things like the wastewater disposal area location and the current civil drawings are basically devoid of any foundation design detail. There appears to be no stabilisation aspect built into the design such as piles and other support measures.</p> <p>Most of the buildings, parking area and tracks are directly above steeper landslip prone ground and represent an increased load above unstable sloping ground.</p> <p>A detailed geotechnical study should be undertaken and supplied to the council before the application is determined.</p>	<p>The subject site is mapped as being subject to both low and medium level risks of landslip. As no works, including land clearing, will be within the medium risk landslip area the proposal does not require assessment against the Planning Scheme's Hazard Management Code. The development will also be conditioned to ensure stormwater is not drained towards areas of medium landslip.</p> <p>Construction requirements and safety of the development, including whether the design complies with the <i>Building Act 2016</i> and the National Construction Code, will be addressed at the building/plumbing permit stage. It is not a matter for Council's consideration as a Planning Authority.</p>
<p>Water bore (Representation 1)</p> <p>The adjoining property at 494 Tollymore Road has a right of use over the water bore on the subject site and relies on this bore to supplement rainwater tanks. There is insufficient roof area to collect sufficient water to service the proposed use. Use of the water bore by a commercial development will restrict the amount of water available to 494 Tollymore Road.</p> <p>The existing services plan submitted with the application does not show the PVC waterline which provides bore water to 494 Tollymore Road. No detail is provided about the water supply line or whether the current pump house will remain as is.</p>	<p>The subject site and 494 Tollymore Road have the right in common to take water from the bore shown on the title plans.</p> <p>Both the supporting report and plans submitted with the application indicate that access to the pipeline easement will not be restricted. No changes to the existing pump house are shown in the application documents and the applicants state that the proposal is reliant on tank water.</p> <p>Any issues regarding use rights, location of waterline, pump house changes etc are civil matters for discussion between the relevant landowners and are not matters for Council's consideration as a Planning Authority.</p>

	<p>For a full assessment of water supply for the site please see the discussion under Clause 26.4.1 of the Planning Assessment below.</p>
<p>Vegetation (Representation 1)</p> <p>The documentation states that the trees and vegetation will be retained but the property contains a large amount of gorse. Removal of gorse should be a requirement of any approval.</p> <p>The existing eucalyptus trees on the sides of 472 Tollymore road provide screening to both 494 and 458 Tollymore Road. Removal of these trees would remove a lot of privacy and light/noise screening between properties. There are also some dead trees which pose a risk to adjoining properties and fences.</p>	<p>Gorse is a declared weed under the Tasmania's <i>Weed Management Act 1999</i>. The legal responsibilities of landholders in dealing with gorse are outlined in the Statutory Management Plan for Gorse (NRE Tas) as well as Council's Weed Management Strategy. The removal of declared weeds listed under Council's strategy does not require planning approval and is instead dealt with by Council's NRM Officer.</p> <p>Planning exemptions include removal of vegetation for safety reasons, risk to property, erection/maintenance of fencing as well as removal of dead trees. Table 5.4 of the Planning Scheme more fully sets out these exemptions and associated qualifications.</p> <p>The proposal specifies that there is to be no removal of vegetation outside the immediate building area. This is due to additional planning requirements (unless otherwise exempt) under the Hazard Management Code for removal of vegetation in medium landslip areas, which cover large portions of the site.</p> <p>The proposal confines use of the site to the proposed buildings, except for the parking area adjacent to Tollymore Road. No activities are proposed for areas immediately adjacent to adjoining properties. It is not considered that conditioning planting or retention of vegetative buffers is warranted for this proposal.</p> <p>For a full assessment of the proximity of the proposed use to adjoining properties, please see the discussion under Clauses 26.3.1 and 26.4.2 of the Planning Assessment below.</p>
<p>Public notification (Representation 1)</p> <p>Only the two adjoining properties were informed of this DA. Everyone within at least a kilometre will likely be affected and should have been notified.</p>	<p>Section 57 of the <i>Land Use Planning and Approvals Act 1993</i> sets out the requirements for public advertising of discretionary applications.</p> <p>These requirements include a 2-week advertising period during which the application is advertised in the Local Government Section of The Advocate newspaper and a copy made available on Council's website. A site notice is also placed at the property and letters are sent to adjoining property owners. Adjoining property owners share a common boundary with the land subject to this application.</p> <p>Any resident or property owner has the right of input into Council's decision by making a representation when a development is advertised.</p> <p>Council is required to comply with the statutory notification process for all discretionary applications and cannot show preference or</p>

	prejudice to an application by broadening or restricting this process.
<p>Light trail (Representations 1 & 3)</p> <p>Walking paths are shown on the drawings which would be in medium landslip areas. In the traffic management plan, it also states the development “includes a light trail path connecting the accommodation and café to the lighthouse and tulip farm”. We would strongly object to any night-time lighting of the proposed pathways.</p> <p>The development states that it includes a light trail path from the restaurant to the tulip farm which that is not possible unless the developer means Tollymore Road.</p>	<p>The TIA submitted with the application encompasses more than just the current application before Council however the plans submitted to Council are for the café, tasting bar and visitor accommodation (7 x units) only. Any proposed light trail on the site would require further approvals from Council and would likely be considered as a ‘Tourist Operation’ use. Any future application for this use would most likely be discretionary and require public advertising, during which time surrounding properties would have a right to comment on the proposal. The current application is for visitor accommodation and food services use only.</p> <p>Any future application seeking to connect the subject site to the tulip farm would also require additional consents from Crown land (NRE Tas) and/or Council depending on route proposed and these would need to be obtained prior to any application being lodged.</p>
<p>Impact on agricultural activities (Representation 6)</p> <p>The proposal has the potential impact on farming activities to the south of the site. The applicant should be made aware of the <i>Primary Industries Protection Act 1995</i> more commonly known as “Right to Farm Act”.</p>	<p>As outlined in the discussion below under Clause 26.3.1 it is considered unlikely that the proposal will have any substantially greater impact on agricultural activities to the south than that of the existing residential uses on adjoining sites to the east and west and to the south-west across Tollymore Road. No additional constraints are likely to be placed on farming activities in the area by virtue of the proposed development.</p>

INTERNAL REFERRALS

Engineering Services Department

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

- (1) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.
- (2) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
- (3) Loading and un-loading of vehicles is to be confined to within the boundaries of the property.
- (4) A new exit only driveway with a sealed surface is to be constructed on the north eastern corner adjacent to 458 Tollymore Road, from the edge of the bitumen surfaced pavement of Tollymore Road to the property boundary in accordance with Traffic Impact Assessment by Midson Traffic Pty Ltd dated January 2023 and Tasmanian Standard Drawing TSD-R03-v3, Rural Roads Typical Property Access & TSD-R04-v3, Rural Roads Typical Driveway Profile and the conditions in a “Activity in Road Reservation Permit”.

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- (5) A new entry only driveway with a sealed surface is to be constructed on the south western corner of the development site from the edge of the bitumen surfaced pavement of Tollymore Road to the property boundary in accordance with Traffic Impact Assessment by Midson Traffic Pty Ltd dated January 2023 and Tasmanian Standard Drawing TSD-R03-v3, Rural Roads Typical Property Access & TSD-R04-v3, Rural Roads Typical Driveway Profile and the conditions in a “Activity in Road Reservation Permit”.
 - (6) Off-street vehicle parking spaces and associated driveways and turning areas are to be designed in accordance with Traffic Impact Assessment by Midson Traffic Pty Ltd dated January 2023, AS 2890.1 and be approved by the Director Infrastructure & Development Services.
 - (7) Off street carparking and hardstand areas are to be surfaced in an all-weather material such as concrete, asphalt or bitumen spray seal. All stormwater runoff from the car parking and hardstand areas is to be collected onsite and directed to a stormwater system designed to cater for a 5% AEP rainfall event and discharged to a legal point of discharge to the reasonable requirements of the Director Infrastructure & Development Services or their delegate.
 - (8) Stormwater from the development is to be fully contained within the boundaries of the property. Concentrated stormwater is not to be directed to mapped medium landslip areas.

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.

Notes: 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*.

A full assessment of the proposed on-site wastewater disposal system, the stormwater disposal system, and the existing bore water supply, will be fully assessed at the Building/Plumbing application stage.

EXTERNAL REFERRALS

The application did not require any external referrals.

PLANNING ASSESSMENT

The subject site is zoned Rural Resource under *Waratah-Wynyard Interim Planning Scheme 2013*. The proposal is defined as a mix of the Visitor Accommodation and Food Service use classes. These are both discretionary uses in the zone.

In addition to discretionary use standards, the proposal does not meet all relevant acceptable solutions for development standards under 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.

26.3.1 Requirement for discretionary non-residential use to locate on rural resource land

<p>A1</p> <p>There is no acceptable solution</p>	<p>P1</p> <p>Other than for residential use, discretionary permit use must –</p> <ul style="list-style-type: none"> (a) be consistent with the local area objectives; (b) be consistent with any applicable desired future character statement; (c) be required to locate on rural resource land for operational efficiency – <ul style="list-style-type: none"> (i) to access a specific naturally occurring resource on the site or on adjacent land in the zone; (ii) to access infrastructure only available on the site or on adjacent land in the zone; (iii) to access a product of primary industry from a use on the site or on adjacent land in the zone; (iv) to service or support a primary industry or other permitted use on the site or on adjacent land in the zone; (v) if required – <ul style="list-style-type: none"> a. to acquire access to a mandatory site area not otherwise available in a zone intended for that purpose; b. for security; c. for public health or safety if all measures to minimise impact could create an unacceptable level of risk to human health, life or property if located on land in a zone intended for that purpose; (vi) to provide opportunity for diversification, innovation, and value adding to secure existing or potential primary industry use of the site or of adjacent land; (vii) to provide an essential utility or community service infrastructure for the municipal or regional community or that is of significance for Tasmania; or (viii) if a cost benefit analysis in economic, environmental, and social terms indicates significant benefits to the region; and (d) minimise likelihood for –
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	<ul style="list-style-type: none"> (i) permanent loss of land for existing and potential primary industry use; (ii) constraint or interference to existing and potential primary industry use on the site and on adjacent land; and (iii) loss of land within a proclaimed irrigation district under <i>Part 9 Water Management Act 1999</i> or land that may benefit from the application of broadscale irrigation development
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Planning Comments: Complies

There is no acceptable solution, therefore the proposal is to be assessed against the performance criteria.

Performance Criteria P1(a) requires discretionary permit use to be consistent with the local area objectives where 'consistency' is determined by considering the local area objectives as a whole.

Local area objectives, (a) to (e), are concerned with the protection of agricultural land, with (a), (b) and (c) highlighting the importance of preserving natural resources for primary industry use. Local area objectives (d) and (e) acknowledge that all agricultural land is valuable, and that primary industry use can take many different forms.

The subject site has is located on the northern side of Tollymore Road and adjoins the coastline. It is subject to low and medium landslip hazard overlays with less than 8% of the site clear of identified landslip risk. The steep topography of the site poses a significant constraint for traditional agricultural activities such as cropping and grazing of animals. The only water on the site is a bore over which the adjoining property at 494 Tollymore Road has right of use which further constrains the agricultural value of the site. Use of the subject site in either its current or cleared state for any type of agricultural use dependent on the soil as a growth medium is unlikely to be feasible.

Other forms of primary industry use which are more reliant on buildings such as controlled environment agriculture, broiler sheds, feedlots etc are also ill suited to the site due to issues associated with the landslip risks, lack of natural water supply, proximity to residential uses or a combination thereof.

The proposal is considered to be consistent with local area objectives (a) to (e) in that the subject site has limited value as agricultural land and is heavily constrained for both primary industry and other forms of resource development use.

Local area objective (h) is largely irrelevant as it relates to use of land for residential purposes and the proposal does not involve a dwelling.

Local area objectives (f) and (g) state that rural land may be used and developed for tourism and recreation use dependent upon a rural location or undertaken in association with primary industry. They also state that rural land may be used and developed for economic, community, and utility activity that cannot reasonably be accommodated on land within a settlement or nature conservation area.

The proposal is for a café, tasting bar and visitor accommodation. It is intended for the café to utilise local produce from the region and for the tasting bar to be used for private functions. The proposal will provide patrons with access to a rural setting that is not available for restaurants/cafes in townships and provides purpose-built visitor accommodation to serve as an alternative to whole dwelling rentals (e.g., Airbnb) or traditional hotels/motels.

The proposal satisfies Performance Criteria P1(a).

Performance Criteria P1(b) states that residential use must be consistent with applicable desired future character statements for the Rural Resource zone. Desired future character statement (a) is largely irrelevant to the proposal as the site is not well suited to resource development or extractive industry uses and it does not have sufficient space to accommodate service/support buildings and work areas of a substantial size.

The proposed development is located within three buildings setback a comparable distance from Tollymore Road as development on adjacent properties. The proposal appears as a single storey structure to the road frontage and buildings are well away from side and rear boundaries, with the closest distance being 25m from the northern side boundary. The area along Tollymore Road resembles a small-scale settlement node with a mix of residential buildings and visitor accommodation use as well as an established distillery and cellar door further south where Tollymore Road meets the Bass Highway.

According to LISTmap the subject site does not contain any threatened flora or fauna or any threatened native vegetation communities. The development has been located on the most secure and accessible portion of the site and away from the identified medium landslip risk areas. The proposal does not require assessment against the Planning Scheme's Hazard Code.

Proposed hours of operation for the café and tasting bar are from 8:30am to 10:00pm Monday to Sunday. The maximum capacity of the proposed visitor accommodation is 14 persons, and the café has seating for 64 patrons. Private functions utilising the tasting bar restricted to 16 persons.

The proposal will not unreasonably affect the bucolic value of the area as the development is located away from side boundaries and is downslope from both the road and location of dwellings on adjoining lots at 458 and 494 Tollymore Road. The proposal does not include removal of vegetation outside the immediate building area and confines use of the site to the proposed buildings, except for the parking area adjacent to Tollymore Road. No activities are proposed for areas immediately adjacent to adjoining properties. The proposal is consistent with desired future character statements (b) and (c).

As demonstrated above, the potential of the subject site to be used for agricultural or other forms of primary industry purposes is heavily constrained due to topography, proximity to sensitive uses and lack of natural water supply. The proposed development will not result in loss of land important for sustainable, resource-dependent, commercial production and therefore consistent overall with desired future character statements (d) and (e).

The proposal satisfies P1(c) as it is intended for the café to utilise local produce from the region and provide visitors with access to a rural setting that is not available in other zones. The area surrounding the subject site is popular with tourists and contains other attractions such as a distillery, lighthouse, and lookout. The location of the proposed buildings is intended to take advantage of the natural landscape values in the area, including views across to Boat Harbour Beach and Table Cape, and to maximise the potential of a site which is heavily constrained for agricultural use. Other rural properties in the municipality, including Thistle Hut at Boat Harbour and Providence Farm Stall at Mount Hicks offer a similar experience highlighting produce from the local area.

The requirements of P1 (d) are made out in that the proposal is unlikely to have any substantially greater effect on agricultural activities to the south than that of the existing residential use on adjoining sites to the east and west as well as dwellings to the south-west across Tollymore Road. The property is not located within a proclaimed irrigation district under Part 9 *Water Management Act 1999* and, due to topographical constraints is unlikely to benefit from the application of broadscale irrigation development.

In this manner, the proposal satisfies the requirements of Performance Criteria P1 for this Standard.

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

<p>A3</p> <p>Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of connecting to a water supply –</p> <p>(a) provided in accordance with the Water and Sewerage Industry Act 2008; or</p>	<p>P3</p> <p>(a) There must be a water supply available for the site or for each lot on a plan of subdivision with an adequate level of reliability, quality, and quantity to service the anticipated use of the site or the intended use of each lot on a plan of subdivision; or</p> <p>(b) It must be unnecessary to require a water supply</p>
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<p>(b) from a rechargeable drinking water system with a storage capacity of not less than 10,000 litres if–</p> <ul style="list-style-type: none"> (i) there is not a reticulated water supply; and (ii) development is for – <ul style="list-style-type: none"> a. a single dwelling; or b. a use with an equivalent population of not more than 10 people per day 	
<p>Planning Comments: Complies</p> <p>The subject site is not within a serviced area and the proposed uses cater for more than 10 people per day. Assessment against P3 is therefore required.</p> <p>Plans submitted with the application demonstrate that each of the proposed buildings will have a dedicated rechargeable water source with five water tanks adjacent to Building 1, two tanks adjacent to Building 2 and two large tanks under the café. The tanks themselves are exempt from requiring a planning permit under clause 5.6.7 of the Planning Scheme as, based on the submitted plans, the individual capacity of each tank will not exceed 45kL.</p> <p>A full assessment of any on-site water supply will be undertaken at the building and plumbing application stage, should a planning permit be granted. This will include assessment of storage of water for firefighting purposes, which is not a consideration under the Planning Scheme. Should it be determined at the building and plumbing stage that additional water tanks are warranted, these would be able to be installed without further planning approval.</p> <p>In this manner the proposal is considered to satisfy the requirements of P3(a) for this Standard.</p>	

26.4.2 Location and Configuration of Development

<p>A1</p> <p>A building or a utility structure, other than a crop protection structure for an agricultural use, must be setback –</p> <ul style="list-style-type: none"> (a) not less than 20.0m from the frontage; or (b) if the development is for sensitive use on land that adjoins a road specified in the Table to this Clause, not less than the setback specified from that road; (c) not less than 10.0m from each side boundary; and (d) not less than 10.0m from the rear boundary; or (e) in accordance with any applicable building area shown on a sealed plan 	<p>P1</p> <p>The setback of a building or utility structure must be –</p> <ul style="list-style-type: none"> (a) consistent with the streetscape; and (b) required by a constraint imposed by – <ul style="list-style-type: none"> (i) size and shape of the site; (ii) orientation and topography of land; (iii) arrangements for a water supply and for the drainage and disposal of sewage and stormwater; (iv) arrangements for vehicular or pedestrian access; (v) a utility; or (vi) any requirement of a conservation or urban design outcome detailed in a provision in this planning scheme; (vii) any lawful and binding requirement – <ul style="list-style-type: none"> 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
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	b. an interest protected at law by an easement or other regulation
<p>Planning Comments: Complies</p> <p>The café and Building 2 are setback approximately 13.2m and 12m respectively from Tollymore Road. Building 1 is located between these structures, further into the site, approximately 48m from the road. All three buildings are well away from side and rear boundaries, with the closest distance being the 25m setback of Building 2 from the northern side boundary.</p> <p>Assessment against P1 is required for the proximity of the café and Building 2 to Tollymore Road only.</p> <p>According to the Planning Scheme, ‘streetscape’ refers to the appearance of properties within 100m of the subject site. Properties at 458, 485, 487 and 494 Tollymore Road contain dwellings with setbacks varying from approximately 4m to 14m. The large farming lot to the south of the site across Tollymore Road, CT 250092/1, contains three farm sheds, all of which are less than 14m from Tollymore Road, including one built on the boundary line.</p> <p>In addition to being consistent with the streetscape, the reduced setback of the café building and Building 2 from Tollymore Road is required due to the topography of the site, which slopes steeply away from the road. The buildings have been located on the most secure and accessible portions of the site and away from the identified medium landslip risk areas.</p> <p>The proposal satisfies P1 for this Standard.</p>	
<p>A2</p> <p>Building height must not be more than 8.5m</p>	<p>P2</p> <p>Building height must –</p> <ul style="list-style-type: none"> (a) minimise likelihood for overshadowing of a habitable room or a required minimum area of private open space in any adjacent dwelling; (b) minimise apparent scale, bulk, massing and proportion in relation to any adjacent building; (c) be consistent with the streetscape and rural landscape; (d) respond to the effect of the slope and orientation of the site; and (e) take into account the effect and durability of screening other than vegetation to attenuate impact
<p>Planning Comments: Complies</p> <p>Building 1 has a maximum height of 8.867m and Building 2 has a maximum height of 8.412m. The building housing the café and tasting bar has a maximum height of 9.475m. Assessment against P2 is therefore required for Building 1 and the café building.</p> <p>The proposed buildings are located at least 25m from side and rear boundaries and further than 40m from the nearest dwelling in any direction. These distances are sufficient to prevent overshadowing of adjacent dwellings or associated minimum private open space areas.</p> <p>Due to the slope of the site the café building will appear as a single storey structure from the road elevation and only the top of the roofline for Building 1 will be visible. This is consistent with the appearance of existing development at 485, 487 and 494 Tollymore Road, which all appear as single storey when viewed from Tollymore Road. The only other dwelling within the immediate vicinity of the site, 458 Tollymore Road is a two-storey building. The visual prominence of the development will be comparable to established properties along Tollymore Road.</p> <p>The subject site slopes steeply away from the road. The height of the development is due to the use of localised fill to provide suitably level building areas thereby minimising the amount of cut required. The portions of Building 1 and the café building which exceed 8.5m in height are constrained to the apex of each roof with the main bulk of these buildings falling below the permitted height limit.</p>	

The proposed development area is downslope from both the road and location of dwellings on adjoining lots at 458 and 494 Tollymore Road. The position of the proposed buildings in relation to both the contours of the site and property boundaries help to mitigate the visual impact of the height of the development.

The increased height of the proposed development will not unreasonably affect the existing bucolic value of the area. It is also noted that whilst vegetation is not relied upon as the sole means of mitigating the appearance of the development, the proposal does not include removal of vegetation outside the immediate building area.

The proposal satisfies P2 for this Standard.

The proposal meets the Acceptable Solution for all other applicable Standards of the Rural Resource 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 six (6) representations were received during the exhibition period.

STRATEGIC IMPLICATIONS

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 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 development complies with either the acceptable solution or satisfies the performance criteria for all applicable standards of the Planning Scheme. The proposal is for a mixed commercial use on a topographically constrained site which is of little use for primary industry activities. The development provides visitors to the site with access to accommodation and/or dining experiences which are not available in urban areas. It is considered unlikely that there will be any greater constraint or interference with existing and potential primary industry use than that which is already present in the area.

The application is considered to comply with the Rural Resource zone provisions and relevant codes of the *Waratah-Wynyard Interim Planning Scheme 2013*. It is therefore recommended that Council approve a planning permit for the proposed a café, tasting bar and visitor accommodation.

MOVED BY	CR ROBERTS
SECONDED BY	CR HYLAND

That Council, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Waratah-Wynyard Interim Planning Scheme 2013*, grant approval for a café, tasting bar and visitor accommodation (7 x units) located at 472 Tollymore Road, Table Cape 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 2122 Rev. H and Drawing Numbers A01-A19 as prepared by Licht Architecture and dated 30 November 2022.**
 - b. **Traffic Impact Assessment as prepared by Midson Traffic Pty Ltd and dated January 2023.**
2. **External lighting is to be located, directed, shielded and of limited intensity so that it causes no nuisance to nearby residents or danger to passing traffic.**
3. **Vehicle parking spaces for the visitor accommodation units are to be clearly identified and marked with the relevant unit number.**
4. **Hours of operation for the café and tasting bar are from 8:30am to 10:00pm Monday – Sunday.**
5. **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.**

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6. In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
 7. Loading and un-loading of vehicles is to be confined to within the boundaries of the property.
 8. A new exit only driveway with a sealed surface is to be constructed on the north eastern corner adjacent to 458 Tollymore Road, from the edge of the bitumen surfaced pavement of Tollymore Road to the property boundary in accordance with Traffic Impact Assessment by Midson Traffic Pty Ltd dated January 2023 and Tasmanian Standard Drawing TSD-R03-v3, Rural Roads Typical Property Access & TSD-R04-v3, Rural Roads Typical Driveway Profile and the conditions in a “Activity in Road Reservation Permit”.
 9. A new entry only driveway with a sealed surface is to be constructed on the south western corner of the development site from the edge of the bitumen surfaced pavement of Tollymore Road to the property boundary in accordance with Traffic Impact Assessment by Midson Traffic Pty Ltd dated January 2023 and Tasmanian Standard Drawing TSD-R03-v3, Rural Roads Typical Property Access & TSD-R04-v3, Rural Roads Typical Driveway Profile and the conditions in a “Activity in Road Reservation Permit”.
 10. Off-street vehicle parking spaces and associated driveways and turning areas are to be designed in accordance with Traffic Impact Assessment by Midson Traffic Pty Ltd dated January 2023, AS 2890.1 and be approved by the Director Infrastructure & Development Services.
 11. Off street carparking and hardstand areas are to be surfaced in an all-weather material such as concrete, asphalt or bitumen spray seal. All stormwater runoff from the car parking and hardstand areas is to be collected on-site and directed to a stormwater system designed to cater for a 5% AEP rainfall event and discharged to a legal point of discharge to the reasonable requirements of the Director Infrastructure & Development Services or their delegate.
 12. No clearing of vegetation in mapped medium landslip area is approved as part of this permit.
 13. Stormwater from the development is to be fully contained within the boundaries of the property. Concentrated stormwater is not to be directed to mapped medium landslip areas.

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 DA 214/2022. 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*.

A full assessment of the proposed on-site wastewater disposal system, the stormwater disposal system, and the existing bore water supply, will be fully assessed at the Building/Plumbing application stage.

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 Tasmanian Civil & Administrative Tribunal (TASCAT), G.P.O. Box 2036, Hobart, 7001 (<mailto:resourceplanning@tascat.tas.gov.au>). Updated Notices of Appeal are available on the Tribunal's website at <https://www.tascat.tas.gov.au/>.






The MOTION was put and was CARRIED.

IN FAVOUR

CR BRAMICH	CR COURTNEY	MAYOR DUNIAM	
CR HYLAND	CR ROBERTS	CR JOHNSTONE	

6.4 REDEVELOPMENT OF BOAT HARBOUR BEACH FORESHORE (NEW CAFÉ, SLSC BUILDING, KIOSK, PASSIVE RECREATION FACILITIES AND ASSOCIATED INFRASTRUCTURE) AND RECONFIGURATION OF ROAD LAYOUT AND PARKING AREAS LOCATED AT PORT ROAD BOAT HARBOUR BEACH - DA 325/2022

To: Council
Reporting Officer: Town Planner
Responsible Officer: Manager Development and Regulatory Services
Report Date: 16 February 2023
File Reference: 7086724,7087401
Supporting Documents:

1. Consolidated advertised documents 
2. TasWater conditions 
3. Representation 1 
4. Representation 2 
5. Signed extension of time 

PURPOSE

The purpose of this report is for Council to consider the merits of the application DA 325/2022 against the requirements of the *Waratah-Wynyard Interim Planning Scheme 2013*.

BACKGROUND

The subject site is a large 8.8ha Crown land owned public reserve administered by NRE Tas. It is a split zoned site with the central area and area to the south zoned Low Density Residential. The area bordering the coast is zoned Environmental Management. To the north of the development is Shelter Point, with the main beach to the north-east and seawall to the north-west. To the south is the Boat Harbour Beach residential area, which contains a mix of single dwelling development and properties used for visitor accommodation. An aerial image of the development area and zoning is shown below in Figure 1.



Figure 1: Subject site with zoning

DETAILS

The applicant is seeking approval for redevelopment of the Boat Harbour Beach foreshore comprising demolition of the existing Surf Lifesaving Club (SLSC) building and associated café, playground, BBQ shelter, ablutions block and associated public amenities to make way for a new SLSC building, including community meeting space. A separate building will house a new café and kiosk.

The new SLSC building has a building footprint of 439m² and a maximum height of 8.05m. The ground floor of the building consists of an entry area, first aid room, combined changeroom/sanitary facilities, including an accessible changeroom, patrol room, internal stairwell and lift, dedicated storage areas for equipment including surfboards, surf craft, patrolling gear, boats, beach wheelchairs and motor/fuel storage. External stair access to the first floor as well as screened areas for plant equipment, water tanks and open showers are located on the outside of the building. A hardstand area with wash down facilities and direct beach access is located between the SLSC building and the beach.

The first floor of the SLSC building has an area of 390m² and includes a gym for use of SLSC members, two storage rooms, internal stairwell and lift, an open multipurpose space with bar, kitchenette, training/meeting area, and sanitary facilities including an accessible changeroom. A 22m² deck adjoins the gym with another 83m² deck wrapping around the multipurpose space. The larger deck is accessible from the multipurpose space as well as directly from the ground floor via external stairs.

The area north of the new SLSC building will contain skip bin storage, water tanks and the relocated sewer pump station.

The café and amenities building has a building footprint of 221m² and a maximum height of 4.1m. It consists of a café with indoor and outdoor seating options, front of house area, accessible toilet, and kitchen with associated food storage/prep areas. The kitchen is shared with the kiosk which will provide food for takeaway only. The building also includes public changerooms, an accessible changeroom and public toilets as well as storage for plant equipment and rubbish bins. The café has an indoor seating capacity of approximately 65 persons.

Both buildings are clad and roofed in a mix of concrete panels, timber and Colorbond. The proposed development is located within a large public reserve administered by NRE Tas. The borders of this land area are zoned Environmental Management with the inner area zoned Low Density Residential. The SLSC and café building are located entirely within the Low Density Residential zoned area and at least 20m from the reserve boundaries.

Proposed hours of operation for each of the uses, staffing requirements and anticipated maximum capacity are as follows:

Use	Hours of Operation (Mon – Sun)	Notes	Staff	Anticipated capacity
SLSC & Gym	6 am to 10 pm	outside hours swipe card access for members	5	100 (events) 10 (gym)
Café	8 am to 9 pm	unlicensed venue	3	65 (indoor)
Kiosk	8 am to 4 pm	takeaway only	1	N/A

The existing road layout and parking areas are to be reconfigured to include a T-junction at the access to the new SLSC building and café from Port Road and provide three new parking areas. A total of 91 parking spaces are provided including four accessible parking spaces, two EV charging bays and six car/trailer spaces. A separate loading/unloading bay suitable for delivery vehicles is proposed for the end of the carpark, to the north of the SLSC building. Deliveries are expected to be four to five times per week.

The proposal also includes redevelopment of public open space areas with a series of grassed areas, landscaped (garden) areas, public outdoor tables and seating, a BBQ and picnic shelter, half basketball court, lounging lawn and playground equipment including climbing structures, rock pool water play, play mounds and tunnels, and see saw fountains.

With the exception of the lounging lawn and associated deck (which is located on an actively mobile landform) no planning approval is required for these parts of the development as they meet the requirements for exemption under one or more of Clauses 5.2.10, 5.2.12, 5.4.3, 5.6.1 and 5.6.7 of the Planning Scheme.

No signage is included as part of this application.

This report assesses the proposal against the *Waratah-Wynyard Interim Planning Scheme 2013* (the Planning Scheme) and considers any representations received during the public exhibition period. The subject property is zoned Low Density Residential and Environmental Management under the *Waratah-Wynyard Interim Planning Scheme 2013*.

The proposal is defined as a mix of the Sports and Recreation, Food services, Community meeting and entertainment and Passive recreation uses. The Sports and Recreation and Food services use classes are existing non-confirming and discretionary uses respectively within the Low Density Residential zone. In addition to discretionary use standards, the proposal does not comply with some the acceptable solutions for development standards and is applying for discretion under the following Clauses of the Planning Scheme:

- Changes to an Existing Nonconforming Use 9.1.1;
- Discretionary permit use 12.3.1 (P1);
- Impact of use 12.3.2 (P2, P3);
- Suitability of a site or lot for use or development 12.4.1 (P3);
- Location and configuration of development 12.4.3 (P4, P6);
- Location and configuration of development 29.4.3 (P1, P3); and
- Development in a shoreline area E10.6.2 (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
- Crown consent x 3 pages

- Supporting report x 59 pages
- Proposal plans x 20 pages
- Coastal hazard assessment x 18 pages
- Traffic impact assessment x 62 pages
- Geotechnical assessment report x 39 Pages

The period for representations closed on 15 February 2023. Two (2) representations were subsequently received. A map demonstrating the relationship between the subject site and each representor’s property is shown in Figure 2.



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


A summary of the issues raised by each representation and planning responses to these issues are provided below. While every effort has been made to include all issues raised, this summary should be read in conjunction with the complete representations, particularly the images included as part of representation 2. These are included as an enclosure to this report.

Representation 1

Issues raised:	Response:
I would like to congratulate the council and the Boat Harbour Surf Club on this initiative and the authors of the very thorough development application.	Statement of support noted. Council as a Planning Authority is required to assess an application as presented and can generally only

Issues raised:	Response:
<p>I support the development plan and have no objections to raise, but would like to take this opportunity to make two suggestions:</p> <p>1. The Landscaping Plan could include where practical native plants from the nearby Rocky Cape National Park, in particular the Saw banksia (<i>Banksia serrata</i>) and Xanthorrhoea (grass tree). The use of local native plants would add to the unique character of the area.</p> <p>2. That consideration be given to include artwork or statue/s that recognize the aboriginal people who lived and played for centuries in Boat Harbour, in very similar ways as it is used today. Tasmania has very few memorials to first nations peoples, and I feel it would be a fitting gesture to recognise their history.</p>	<p>modify a development as it relates to discretions triggered under the Planning Scheme. The landscaping included with the proposal is exempt from requiring planning approval under Clause 5 of the Planning Scheme. The plans have been included to provide a complete picture of the planned redevelopment.</p> <p>The Planning Department will pass on the representor's suggestions to Council's Strategic Projects Manager for their consideration.</p> <p>It is noted that variation of plants used for landscaping and/or installation of public art on public land should not require further planning approvals from Council.</p>

Representation 2

Issues raised:	Response:
<p>The size, bulk, scale, and height of the proposed new Surf Club Building can be best appreciated in the photos in attachment 1.</p> <p>Photo 1 shows a 6m x 150mm pipe adjacent to the existing pine tree next to the location of the new Surf Club. The height of the proposed surf club at this point is near 13m which is higher than the pine tree in the photo and over twice the height of the pipe.</p> <p>Photo 2 is the same 6m pipe against the existing toilet block with the new building more than twice the height of the pipe. Photo 3 is the height of a nearby build showing the mass of the building. This building is only 8m wide with the new surf club 15m wide and 35m long with the café next to it 26m long and 13m wide.</p>	<p>It is noted that the height shown on the plans refers to the AHD of the development, that is the relative height of a point in relation to Australian mean sea level. To calculate the height of the buildings, the ground RL must be subtracted from the roof ridge RL. This gives a height of 8.05m for the SLSC building and 4.1m for the café building, below the maximum 8.5m for the zone and well below 13m high.</p> <p>A visual comparison of the height of the proposed SLSC against the pine tree shown in attachment 1 of the representation is included on the cover page of the submitted plans:</p>  <p>Figure 3: Extract from proposal plans (page 70 of advertised documents)</p>
<p>Does not comply with Clause 9.1.1</p>	<p>The only non-confirming use on the site is the SLSC itself which is a Sports and Recreation use. This use is prohibited</p>

Issues raised:	Response:
<p>The change to an existing nonconforming use to a different location on the development site does not bring the non-conforming use into greater conformity with the planning scheme.</p> <p>The development will also have a detrimental impact on the adjacent residential uses as the size (13m height), bulk and scale of the development will dominate the landscape and the amenity of the location by blocking existing views to the shoreline from residences and impinge on the skyline particularly from the south /south east and east.</p> <p>Noise from new building will resonate throughout the township and travel uphill to disturb most residents. The size and scale of the development will also dominate the locality and be viewed from most parts of the town including the beach. Concern is raised over the mentioned Occasional Use which is not stated what that is nor the hours of operation which alludes to outside the normal operating hours.</p> <p>The natural beauty of the locality will be diminished by the adding another building in the centre of the now public space along with the aggregate pathways, sealed roadways and carparking. Separation of the Café to a standalone building in its own right will add to the footprint on the land and substantially intensify the use of the locality across a wider area.</p>	<p>in the Low Density Residential zone unless it is for outdoor recreation facilities comprising a single playing field or a single surface for the local community.</p> <p>As outlined below in the planning discussion under Clause 9.1.1, although the combined area of the proposed buildings is greater than the existing building on the site, the portion which can most appropriately be categorised as a non-conforming Sports and Recreation use represents only a portion of the total combined floor area of both buildings. There will be less than a 10% increase in floor area of the non-conforming use.</p> <p>The remaining uses of Food services, Passive recreation and Community meeting and entertainment are a combination of no permit required/permitted/discretionary uses and do not require assessment against 9.1.1.</p> <p>Compliance with clause 9.1.1 requires an application to be for 9.1.1(a), (b) or (c). It is not necessary to be considered against all three criteria. However, regard must be given to the purpose and provisions of the zone and any applicable codes.</p> <p>The proposal relocates non-conforming use to another part of the site further from dwellings, consistent with 9.1.1(b). For a full assessment of how the proposal complies with clause 9.1.1 as well as the purpose and provisions of the Low Density Residential zone please see the planning assessment section below.</p>
<p>Does not comply with Clause 12.3.2 (P2, P3)</p> <p>The new uses proposed are existing and adequately provided within the community. The proposed development is replicating an efficient and low impact uses on the existing site.</p> <p>The proposal is to re-locate the building and separate the different uses into distinct entities in separate buildings. The new site is not a prerequisite for the use to service and support the local community. The size and scale of the proposal will unreasonably impact on the amenity for residential users on adjacent land in the low density residential zone. The new roads and sealed path areas, loss of greenery, potential for noise, loss of view to the water and visual impact of the new imposing building will be unreasonable.</p> <p>The height of the building will be imposing and dominate the landscape with the height</p>	<p>The desired future character statements for the Low Density Residential zone acknowledge that housing is not the exclusive form of development in the zone. The proposal will improve existing facilities to better cater for the Boat Harbour Beach settlement and the layout of the development maintains open and landscaped areas for community recreation. The opportunity for inhabitants of existing dwellings to look out over the beach and coastal landscape will be largely unrestricted. The proposal is consistent with the desired future character statements for the Boat Harbour Beach area.</p> <p>Council as a Planning Authority cannot consider matters outside those contained in the Planning Scheme. Compliance with previous planning schemes or strategic masterplans cannot validly form part of the assessment process.</p>

Issues raised:	Response:
<p>of the building equivalent to the highest Norfolk Pine adjacent to the development at 13m with an approx. 35mx15m footprint for the Surf Club and a 26m x 13m footprint for the café.</p> <p>The scheme requirement does not appear to provide for the impact of users of the beach.</p> <p>Multiple uses are proposed within the low density residential zone... Only one – community space has been commented on or assessed against the scheme. The other uses have not been assessed against this provision. The other uses are not permitted non-residential uses.</p>	<p>Proposed hours of operation for the café and kiosk comply with the restrictions of acceptable solution A3 for clause 12.3.2.</p> <p>The uses which may occur outside the nominated hours of operation for the SLSC building is primarily limited to after-hours access to the gym for club members, which has a maximum capacity of 10 people. Windows to the gym in the SLSC building are screened along the elevation facing the residential area, minimising issues associated with after-hours artificial light.</p> <p>Use of the remainder of the SLSC building after 10pm is likely to be restricted to emergency rescue operations or approved use of the community meeting space.</p> <p>To minimise the potential for conflict between use of the SLSC building and nearby sensitive uses, the following conditions are recommended to be included on any permit issued:</p> <ul style="list-style-type: none"> • Hours of operation for the café/kiosk are from 8:00am to 9:00pm Monday – Sunday. • Hours of operation for the Surf Lifesaving Club and gym are from 6:00am to 10:00pm Monday – Sunday, with afterhours access for club members. • Use of the gymnasium is restricted to members of the Surf Lifesaving Club. • Delivery and despatch of goods and the conduct of routine cleaning, maintenance and service on the site are to be conducted between 6am and 6pm. <p>As outlined above, the development is not 13m high. The maximum height of the SLSC and café buildings comply with the acceptable solution.</p> <p>Redevelopment of the site moves non-residential use further from existing sensitive uses whilst improving the quality of passive recreation facilities for the local community as well as road layout and parking on the foreshore.</p> <p>The TIA states that the proposed development, including SLSC clubrooms, gym, café and community meeting space will not generate additional traffic to the area.</p> <p>For a full assessment of how the proposal meets the requirements of P1 for clause 12.3.1 as well as P2 & P3 for Clause 12.3.2 please see the planning assessment below.</p>
<p>Does not comply with Clause 12.4.1 (P1, P3)</p> <p>The water supply proposed is rainfed water tanks. No information is supplied with the application to demonstrate compliance with this provision. If it is two 24000L tanks, they will only last a short time and need refilling during summer. Nothing is provided to indicate how this will occur only to say the</p>	<p>Although the application was advertised for triggering Performance Criteria P1 under Clause 12.4.1, the proposal complies A1(a) and A1(b). Assessment of P1 for this clause is therefore not required.</p> <p>The proposed development will be serviced by two large water tanks located to the north of the SLSC building, with two additional 10kL tanks next to the main boat storage area for the SLSC.</p>

Issues raised:	Response:
<p>users may, not, will connect to the existing spring service.</p>	<p>Should rainwater be insufficient to service the needs of the development, connection to the spring currently feeding the tank next to the wastewater treatment plant may be required. Both connection to the spring and/or the placement of additional water tanks can be undertaken without further planning approvals. Rainwater tanks can also be filled by water trucks, should it be required.</p> <p>A full assessment of any on-site water supply will be undertaken at the building and plumbing application stage, should a planning permit be granted. This will include assessment of storage of water for firefighting purposes, which is not a consideration under the Planning Scheme.</p>
<p>Does not comply with Clause 12.4.3 (P6)</p> <p>The mass and height of the new Surf Club building will result in an unreasonable loss of outlook for a number of immediately adjacent buildings up slope of the site identified for development. The views to the beach and the vista to the headlands will be impacted by the size and mass of the buildings. No detail is provided for physical screening of the loading or storage areas from residences on adjoining land.</p>	<p>The plans submitted with the application included section plans demonstrating line of sight for the buildings immediately adjacent to the site at 2 and 4 Port Road. The plans show that the opportunity for inhabitants of dwellings on these lots to look out over the beach and coastal landscape will be largely unrestricted by the height of the SLSC building.</p> <p>For a full discussion of how the proposal satisfies the requirements of P6 for Clause 12.4.3 please see the relevant section of the planning assessment below.</p>
<p>Does not comply with Clause 29.4.3 (P3)</p> <p>The location of the building will be visually apparent on a skyline when viewed from any of the shacks along the foreshore of boat harbour beach.</p> <p>The building will also be visually apparent on the skyline when viewed from the beach looking towards Sisters Island. The building by location will be visually apparent above the vegetation canopy when viewed from adjoining residences nearby.</p> <p>The building proposed will also be visually apparent or appear visually apparent on Western Bay at high tide due to the size and mass of the building.</p> <p>The location of the building does not provide a overriding community benefit as it is already provided and is not required by an exceptional circumstance.</p>	<p>The two main buildings are located in the Low Density Residential Zone and do not require assessment against the provisions of the Environmental Management Zone. Development within the Environmental Management zoned area is restricted to the proposed lounging lawn and associated deck on the eastern side of the reserve, adjacent to the beach, and portions of the public carpark and realigned road on the western side of the proposed SLSC and café buildings.</p> <p>Please see the planning assessment below for a full assessment of how the proposal complies with the requirements of the Environmental Management zone.</p>
<p>Does not comply with Clause E10.6.2 (P1)</p> <p>The development of a café is not required to be located in a shoreline area for operational efficiency.</p> <p>The development adversely impacts on the scenic quality of the sea shore area and adversely impacts on the aesthetic appearance because of the location and the</p>	<p>The café is more than 30m from the mean high water mark (MHWM) and does not require assessment against this Clause.</p> <p>The works which require assessment under this Clause are limited to the lounging lawn and associated deck, parking areas on the western side of the SLSC building, the north-westernmost sections of the SLSC building and portions of the realigned road. The majority of development within</p>

Issues raised:	Response:
bulk size, height, and overall built form of any building work. The obstructions of views from public places such as the beach are lost as a result of placement of the build.	30m of the MHWL is exempt under Clause 5 of the Planning Scheme. Please see the planning assessment below for a full assessment of how the proposal complies with Clause E10.6.2 of the Water and Waterways Code.

INTERNAL REFERRALS

Engineering Services Department

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

1. Stormwater from the proposed surf club building is to be connected and discharge into Council's stormwater drainage network.
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. Construction of civil engineering work associated with the Development is to comply with the requirements of Council's Policy PR003– Standard requirements for the construction of new infrastructure assets and the replacement of existing infrastructure assets.
4. Relevant engineering plans, specifications, calculations and computations are to be certified by a Chartered Professional Engineer in the relevant field and submitted to the Director Infrastructure & Development Services or their delegate or their delegate for approval. No work is to commence until a Construction Certificate has been issued by the Director Infrastructure & Development Services or their delegate.
5. On completion of work covered by a Construction Certificate a Chartered Professional Engineer in the relevant field is to certify by declaration that all work has been carried out fully in accordance with the approved plans, specifications, calculations, and computations. "Works as Constructed" drawings that comply with the requirements of Council's "Submission of digital-as-constructed information" template are to be supplied.
6. In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
7. Loading and un-loading of vehicles is to be confined to within the boundaries of the property.
8. Off street car parking and hardstand areas are to be surfaced in an all-weather material such as concrete, asphalt or bitumen spray seal. All stormwater runoff from the car parking and hardstand areas is to be collected onsite and directed to a stormwater system designed to cater for a 5% AEP rainfall event and discharged to a legal point of discharge to the reasonable requirements of the Director Infrastructure & Development Services or their delegate.
9. Carpark Road is to be of compacted crushed rock pavement, designed in accordance with the Austroads Pavement Design Guidelines, with a pavement width according to the endorsed plans and a minimum total pavement thickness of 300mm plus a 40mm asphalt seal, concrete kerb and channel and footpaths all in accordance with the Tasmanian

Standard Drawing TSD-R06-v3, Urban Roads Typical Sections and Pavement Widths, and is to be constructed to the reasonable requirements of the Director Infrastructure & Development Services.

10. On-street parking hardstand areas are to be of the same standard as the Carpark Road.
11. A 150mm diameter stormwater connection point including an accessible inspection opening at ground level is to be constructed at the lowest point of the lot to permit connection to Council's stormwater drainage reticulation network. The connection point is to be inspected and approved by the Director Infrastructure & Development Services or their delegate or their delegate before backfilling.
12. All footpaths are to be constructed to the width specified in the endorsed plans and are to be constructed in accordance with Tasmanian Standard Drawing TSD-R11-v3 Urban Roads Footpaths.
13. The applicant is to supply and install traffic management devices that include, but are not limited to, signage and line marking in accordance with the suite of AS 1742 standards, and which meet the requirements of Department of State Growth. Before a Construction Certificate may be issued, the applicant or his designer is to prepare a set of traffic management drawings that are to be submitted to and approved by Department of State Growth.
14. Concrete kerb and Channel is to be constructed in accordance with Tasmanian Standard Drawing TSD-R14-v3, approved Concrete Kerbs and Channels Profile Dimensions as specified in the endorsed plans.
15. Before site disturbance or construction commences an environmental management plan is to be prepared and submitted for approval by the Director Infrastructure & Development Services or their delegate or their delegate. The plan is to outline proposed practices in relation to:
 - a. Temporary run-off and erosion controls, which are to be installed before the development commences. Controls are to include, but are not limited to:
 - Minimisation of site disturbance and vegetation removal;
 - Diversion of up-slope run-off around cleared and/or disturbed areas, areas to be cleared and/or disturbed or filled providing such diverted run-off does not cause erosion and is directed to a legal discharge point;
 - Installation of sediment retention traps (e.g. sediment fences, etc.) at the down slope perimeter of a disturbed area or stockpile to prevent unwanted sediment and other debris escaping from the land;
 - Rehabilitation of all disturbed areas as soon as possible.
 - b. Weed management
 - c. Storage facilities for fuels, oils, greases, chemicals and the like
 - d. Litter management

Erosion control measures are to be maintained at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development.

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.

Notes: 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*.

A full assessment of the water supply and change room design will be undertaken at the Building/Plumbing application stage.

An EHO report regarding the food preparation areas will be undertaken at the Building/Plumbing application stage.

EXTERNAL REFERRALS

The application was referred to TasWater on 30 January 2023. A response was received on 14 March 2023 and forms Part B of the permit conditions.

The application was referred to Heritage Tasmania and NRE Tas on 30 January 2023. The date at which a response was required was 15 February 2023 and no response was received. It is therefore assumed that neither Heritage Tasmania nor NRE Tas have any comments or conditions regarding the proposal.

No other external referrals were required.

PLANNING ASSESSMENT

The subject site is zoned Low Density Residential and Environmental Management under the *Waratah-Wynyard Interim Planning Scheme 2013*. The below table identifies the use classes which apply to the proposal, the development associated with each use class, what zone they are located in as well as the status of each use class in that zone:

Use Class	Development	Low Density Residential	Environmental Management
Sports and Recreation	SLSC	Prohibited	Not in zone
Food services	Café/restaurant	Discretionary	Not in zone
Community meeting and entertainment	Community space	Permitted	Not in zone
Passive recreation	Playground, half basketball court and landscaped areas	Works exempt under Clause 5	Permitted (lounging lawn & deck only)

As Sports and Recreation use of the type included in the proposal is a prohibited use in the Low Density Residential zone. This portion of the proposal requires assessment as an existing non-conforming use under Clause 9.1.1 of the Planning Scheme.

In addition to being discretionary for some of the uses, 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 Clause 9.1.1 of the Planning Scheme as well as the applicable clauses for the Low-Density Residential Zone, Environmental Management zone and relevant Codes is provided below.

9.1 Changes to an Existing Non-conforming Use

9.1.1 Notwithstanding any other provision in this planning scheme, whether specific or general, the planning authority may at its discretion, approve an application:

- (a) to bring an existing use of land that does not conform to the scheme into conformity, or greater conformity, with the scheme; or
- (b) to extend or transfer a nonconforming use and any associated development, from one part of a site to another part of that site; or
- (c) for a minor development to a nonconforming use, where there is –
 - (a) no detrimental impact on adjoining uses; or
 - (b) the amenity of the locality; and
 - (c) no substantial intensification of the use of any land, building or work.

In exercising its discretion, the planning authority may have regard to the purpose and provisions of the zone and any applicable codes.

Planning Comments: Complies

The application is proposing to demolish the existing SLSC building and associated café and to construct a new SLSC on the same site, approximately 50m north of the location of the current building.

Activities of the Boat Harbour SLSC fall into the Sports and Recreation use category. As the proposal does not meet the qualifications for this type of use in the Low Density Residential zone, this portion of the application needs to be considered under 9.1.1, specifically 9.1.1(b).

Approximately 350m² of the existing building on the foreshore is used by the SLSC for their clubrooms, equipment storage, and associated amenities, including the underfloor storage space beneath the existing deck. The current opening hours are 9 am to 4 pm Monday to Thursday, 9 am to 8 pm Friday, 8 am to 8 pm on Saturday, and 8 am to 4 pm Sunday.

The ground floor of the new SLSC building includes approximately 331.5m² of combined storage, first aid, patrol room, changeroom and sanitary facilities for the exclusive use of the SLSC. A floor area of 48m² on the first floor is also for the exclusive use of SLSC members, but the remainder of this floor forms part of the Community meeting and entertainment use.

Although the combined area of the proposed buildings is greater than the existing building on the site, the portion which can most appropriately be categorised as a non-conforming Sports and Recreation use represents approximately 380m² of the total combined floor area of both buildings. This is less than a 10% increase in floor area.

The proposed development will not further compete for or displace land designated for residential purposes. The development is located on a public reserve which is not available for private residential development, and which forms a key part of Boat Harbour Beach's public recreation and community space.

It is considered that the proposal satisfies all necessary requirements of Clause 9.1.1 and achieves compliance with all necessary provisions of the Low Density Residential zone provisions and applicable codes.

Please see the discussion under Clauses 12.3.1 (P1), 12.3.2 (P2, P3), 12.4.1 (P3), 12.4.3 (P6) for a full assessment of the discretions triggered by the non-conforming use.

9.4 Demolition

9.4.1 - Unless approved as part of another development or Prohibited by another provision in this planning scheme, or a code relating to historic heritage values applies, an application for demolition is Permitted and a permit must be granted subject to any conditions and restrictions specified in clause 8.11.2 of the relevant interim planning scheme.

Planning Comments: Complies

As the proposed demolition of the existing SLSC building and associated infrastructure forms part of this development, is not prohibited by another provision and there is no heritage code under the Planning Scheme. The demolition of the existing SLSC is considered to be permitted as per this clause.

12.3.1 Discretionary permit use

A1 There are no Acceptable Solutions	P1 Discretionary permit use must – (a) be consistent with local area objectives; (b) be consistent with any applicable desired future character statement; and (c) minimise likelihood for adverse impact on amenity for use on adjacent land in the zone
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Planning Comments: Complies

The proposed café/kiosk is a discretionary Food services use due to the café being a licensed venue as well as the seating capacity of the venue. The existing non-conforming Sports and recreation use (SLSC) also requires assessment against P1.

The zone purpose statements for the Low Density Residential zone include provision for non-residential uses that are compatible with residential amenity. The SLSC has an existing presence on the site and is currently as close as 20m from the Boat Harbour Beach residential area (281 Port Road). The proposal increases separation between the non-conforming use and sensitive uses by relocating the SLSC approximately 50m further north, with a resultant separation between the SLSC and closest dwelling of 60m (to 4 Moore Street). The Sports and recreation use of the site will not be substantially intensified as the increase in floor area for the non-conforming use is less than 10%.

The Boat Harbour Beach residential area is bordered by rural properties to the north-west, south-west and south-east and by the coastline to the north and north-east. The area is subject to varying degrees of landslip with several medium and high risk areas. It is considered that there is limited, if any, opportunity for growth of the existing residential area due to topographical and geological constraint. The majority of properties, unless precluded due to landslip risk, have already been developed for residential use. Lot size and landslip risk restrict the potential for infill development. The site of proposed development is a public reserve and is not available for private residential development. There are no other food services or indoor recreation/community facilities within walking distance for the residents of Boat Harbour Beach.

The proposal is consistent with local area objectives (c), (d), (f) and (h) in that the proposed development will not further compete for or displace land likely to be used for residential purposes. The potential constraint on residential use is tolerable given that the development is located on a public reserve which forms a key part of Boat Harbour Beach's public recreation and community space. The proposal provides convenient access to social and recreation facilities and is compatible with the amenity of character of Boat Harbour Beach as a popular swimming, holiday destination and recreational area with a longstanding SLSC.

The desired future character statements for the Low Density Residential zone acknowledge that housing is not the exclusive form of development in the zone. The proposal will improve existing facilities to better cater for the Boat Harbour Beach settlement and the layout of the development maintains open and landscaped areas for community recreation. The opportunity for inhabitants of existing dwellings to look out over the beach and coastal landscape will be largely unrestricted. The proposal is consistent with the desired future character statements for the Boat Harbour Beach area.

To minimise impact on adjacent sensitive uses in the zone, delivery and despatch of goods and the conduct of routine cleaning services and maintenance will not be undertaken outside of typical daytime business

hours. Approximately 40m separates the café building from the nearest dwelling (4 Moore Street), with the SLSC building an additional 20m away. In addition to the separation buffer, both buildings are orientated away from residential properties with the kiosk opening on the beachside building and the main deck and tilt-a-doors for the SLSC building also facing the water.

The proposal satisfies P1 for this Standard.

12.3.2 Impact of use

<p>A2</p> <p>Permitted non-residential use must not generate more than 40 average daily vehicle movements.</p>	<p>P2</p> <p>Use that is not in a residential use must –</p> <ul style="list-style-type: none"> (a) be consistent with local area objectives; (b) be consistent with any applicable desired future character statements; (c) be required to service and support the local community; be dependent on the site for provision of significant social, economic, or environmental benefit to the local community; (d) be required to obtain vehicular and pedestrian access from a no-through road as a consequence of – <ul style="list-style-type: none"> (ii) the effect of topography on ability to create access upon a through road; or (iii) a regulatory limit on the ability to obtain pedestrian or vehicular access upon a through road; and (e) have minimal likelihood for unreasonable impact on amenity for residential use on adjacent land in the zone
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Planning Comments: Complies

The application is for non-residential use which will exceed 40 average daily vehicle movements. Assessment against P2 is required.

The proposal is consistent with local area objectives (c), (d), (f) and (h) in that the proposed development will not further compete for or displace land likely to be used for residential purposes. The potential constraint on residential use is not unknown and is tolerable given that the development is located on a public reserve which forms a key part of Boat Harbour Beach’s public recreation and community space. The proposal provides convenient access to social and recreation facilities and is compatible with the amenity of character of Boat Harbour Beach as a popular swimming, holiday destination and recreational area with a longstanding SLSC.

The desired future character statements for the Low Density Residential zone acknowledge that housing is not the exclusive form of development in the zone. The proposal will improve existing facilities to better cater for the Boat Harbour Beach settlement and the layout of the development maintains open and landscaped areas for community recreation. The opportunity for inhabitants of existing dwellings to look out over the beach and coastal landscape will be largely unrestricted. The proposal is consistent with the desired future character statements for the Boat Harbour Beach area.

The site of proposed development is a public reserve and is not available for private residential development. There are no other food services or indoor recreation/community facilities within walking distance for the residents of Boat Harbour Beach. Redevelopment of the site moves non-residential use further from existing sensitive uses whilst improving the quality of passive recreation facilities for the local community as well as road layout and parking on the foreshore.

A Traffic Impact Assessment (TIA), prepared by Chris Martin of CSE Tasmania was submitted with the application. Mr. Martin is an experienced traffic engineer and a suitably qualified person.

<p>The TIA states that the proposed development, including SLSC clubrooms, gym, café and community meeting space will not generate additional traffic to the area as it replaces existing facilities and includes facilities which are not expected to generate additional traffic.</p> <p>It also states that the proposed development will not create any traffic capacity or safety issues and traffic will continue to operate safely and efficiently on Port Road at the proposed carparks and access points.</p> <p>Given the lack of increase in traffic, location and design of the development and the history of the site as a public reserve with SLSC and food and drink facilities, it is considered unlikely that the proposal will unreasonably affect residential amenity in the area.</p> <p>The proposal satisfies P2 for this Standard.</p>	
<p>A3</p> <p>Other than for emergency services, residential, and visitor accommodation, hours of operation must be between 6.00am and 9.00pm</p>	<p>P3</p> <p>Hours of operation, including for the delivery and despatch of goods and the conduct of routine cleaning, maintenance and service, must be reasonable to requirements of the use and unlikely to cause conflict or interference to the amenity of other use on adjacent land in the zone</p>
<p>Planning Comments: Complies</p> <p>Proposed hours of operation for the Food services are between 8:00am to 9:00pm for the café and 8:00am to 4:00pm for the kiosk, Monday to Sunday. This is compliant with A3.</p> <p>The proposed hours of operation for the SLSC and gym is from 6am to 10pm with after hours access for club members. Assessment against P3 is required.</p> <p>The gym has a maximum capacity of 10 persons and is restricted to SLSC members. Windows to the gym in the SLSC building are screened along the elevation facing the residential area, minimising issues associated with after-hours artificial light. Use of the remainder of the SLSC building after 10pm is likely to be restricted to emergency rescue operations or approved use of the community meeting space.</p> <p>To minimise the potential for conflict between use of the SLSC building and nearby sensitive uses, the following conditions are recommended to be included on any permit issued:</p> <ul style="list-style-type: none"> • Hours of operation for the café/kiosk are from 8:00am to 9:00pm Monday – Sunday. • Hours of operation for the Surf Lifesaving Club and gym are from 6:00am to 10:00pm Monday – Sunday with after-hours access available for club members. • Use of the gym is restricted to members of the Surf Lifesaving Club. • Delivery and despatch of goods and the conduct of routine cleaning, maintenance and service on the site are to be conducted between 6am and 6pm. <p>In this manner, the proposal satisfies P3 for this Standard.</p>	

12.4.1 Suitability of a site or lot for use or development

<p>A3</p> <p>A site or each lot on a plan of subdivision must be capable of connecting to a water supply –</p> <p>(a) provided in accordance with the Water and Sewerage Industry Act 2008; or</p> <p>(b) from a rechargeable drinking water system with a storage capacity of not less than 10,000 litres if–</p> <p>(i) there is not a reticulated water supply; and</p>	<p>P3</p> <p>(a) There must be a water supply available for the site or for each lot on a plan of subdivision with an adequate level of reliability, quality, and quantity to service the anticipated use of the site or the intended use of each lot on a plan of subdivision; or</p> <p>(b) It must be unnecessary to require a water supply</p>
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<p>(ii) development is for –</p> <ul style="list-style-type: none"> a. a single dwelling; or b. a use with an equivalent population of not more than 10 people per day 	
<p>Planning Comments: Complies</p> <p>The subject site is not within a serviced area and the proposed uses cater for more than 10 people per day. Assessment against P3 is therefore required.</p> <p>The existing SLSC and café building have access to a spring fed water tank adjacent to the Boat Harbour Beach wastewater treatment plant. The proposed development will be serviced by two large water tanks located to the north of the SLSC building, with two additional 10kL tanks next to the main boat storage area for the SLSC.</p> <p>Should rainwater be insufficient to service the needs of the development, connection to the spring currently feeding the tank next to the wastewater treatment plant may be required. Both connection to the spring or the placement of additional water tanks can be undertaken without further planning approvals. Additionally, water storage tanks can be refilled by water trucks.</p> <p>In this manner the proposal is considered to satisfy the requirements of P3(a) for this Standard.</p>	

12.4.3 Location and configuration of development

<p>A4</p> <p>A garage, carport or an external car parking area and any area for the display, handling, or storage of goods, materials, or waste, must be located behind the primary frontage of a building</p>	<p>P4</p> <p>A garage, carport or an external car parking area and any area for the display, handling, or storage of goods, materials, or waste, must –</p> <ul style="list-style-type: none"> (a) not dominate the architectural or visual frontage of the site; (b) be consistent with the streetscape; (c) be required by a constraint imposed by size, shape, slope, orientation, and topography on development of the site; and (d) provide durable physical screening to attenuate appearance of the parking or loading area from a frontage and adjacent land
<p>Planning Comments: Complies</p> <p>The proposal includes reconfiguration of the existing road layout and parking areas to include a T-junction at the access to the new SLSC building and café from Port Road and provide three new parking areas. As these parking areas are located in front of the primary elevation of the proposed buildings assessment against P4 for this Standard is required.</p> <p>Public parking spaces must be easily accessible from a road. The redesigned public parking area for the Boat Harbour Beach foreshore has been split into three separate areas to mitigate the visual impact of parked cars clustered together. Due to the nature of the SLSC use, direct access for rescue vehicles to the beach is required. There is limited opportunity to locate parking areas behind the primary elevation of the proposed buildings and priority has been given to maintaining public recreation areas on the beachside of the buildings. Separation from recreation areas also minimises conflict between pedestrian activity and vehicles navigating the site.</p> <p>Landscaping in and around the parking areas is proposed to assist with improving the visual appearance of the parking areas. Due to the popularity of Boat Harbour Beach, steep topography of the area, and current lack of public parking options, informal parking along either side of Port Road is common, as is parking on reserve areas close to the beach. The proposed increase in carparking will better meet the needs of users of the site and alleviate issues associated with illegal parking.</p>	

<p>Plant equipment, water tanks, motor and fuel storage, and garbage bin storage areas are all incorporated into the design of the proposed buildings and will not be visually apparent.</p> <p>The proposal satisfies P4 for this Standard.</p>	
<p>A6</p> <p>If on a site at Boat Harbour, a building on the lower side of a road must be single storey on the road elevation.</p>	<p>P6</p> <p>If on a site at Boat Harbour a building on the lower side of a road must be located within the site and be of a mass and height that does not result in an unreasonable loss of outlook from the immediately adjacent site on the high side of the road.</p>
<p>Planning Comments: Complies</p> <p>The site lies on the lower side of Port Road and the SLSC building is two-storeys. The immediately adjacent sites on the higher side of Port Road, opposite the SLSC building are residential lots at 2 and 4 Moore Street. The property at 287 Port Road is owned by Council and forms part of the subject site. Assessment against P6 is required for the SLSC building in relation to Port Road only.</p> <p>The SLSC building has a height above ground level of 8.05m, with a roof ridge RL of 12.55m. The RL shown on the plans refers to the AHD of the development, that is the relative height of a point in relation to Australian mean sea level.</p> <p>Due to the slope of the area, the properties at 2 and 4 Moore Street are on a higher elevation than the location SLSC building. The dwelling at 2 Moore Street is two-storey with windows and a balcony on the upper level facing north-east towards the foreshore area and Shelter Point. The dwelling at 4 Moore Street is single storey, with windows and a deck facing north-east towards the foreshore area and main beach.</p> <p>Section location plans demonstrating the outlook of adjoining properties were submitted with the application. These plans demonstrate the floor level for 2 Moore Street is approximately equal to the roof RL of the SLSC building. The view from the main living space for 2 Moore Street will not be obscured by the development.</p> <p>For 4 Moore Street, the approximate floor RL is 10.95m. The image in Figure 4 below demonstrates the orientation of 2 and 4 Moore Street and highlights how the direct outlook from 4 Morton Street is primarily directed over the café building which is single storey. The main line of sight over the beach will not be restricted due to the height of the SLSC building.</p>	

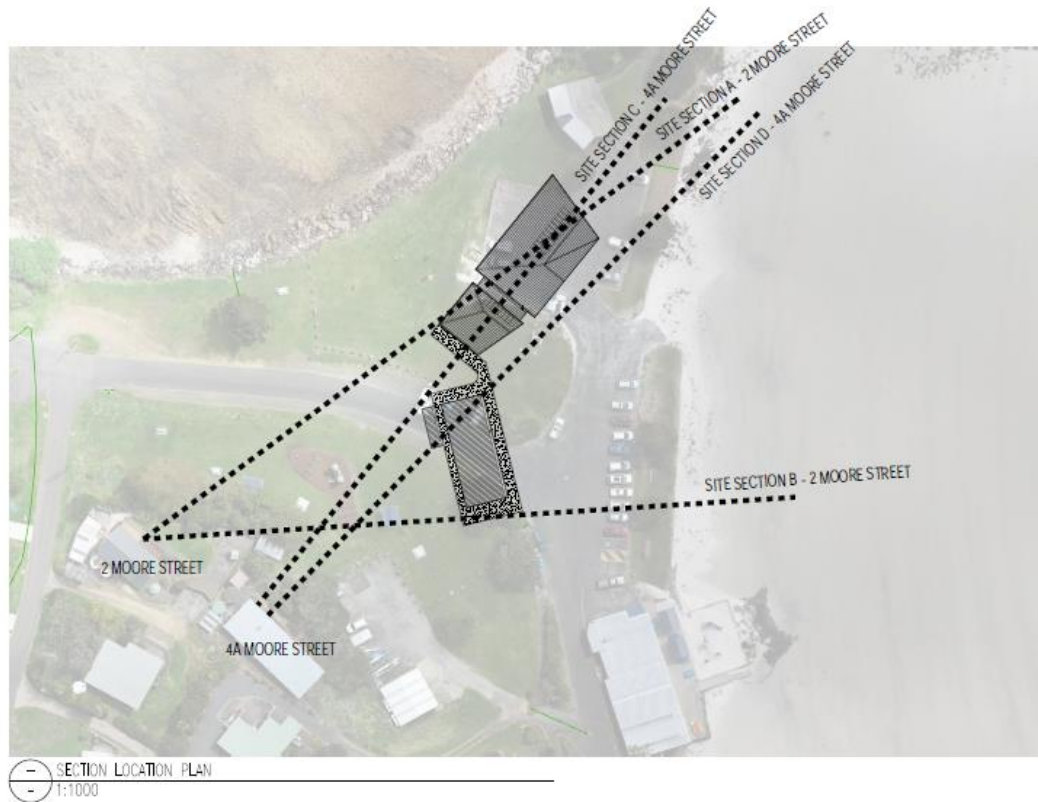


Figure 4: Section location plan (page 78 of advertised documents)

The SLSC building is part of the proposed foreshore re-development, which aims to better cater for the Boat Harbour Beach settlement through improvement of existing facilities. The building itself is setback at least 60m from the nearest dwelling and has a varied roofline to break up the bulk of the structure. More broadly, the new layout of the foreshore area maintains open and landscaped areas for community recreation. The opportunity for inhabitants of existing dwellings to look out over the beach and coastal landscape will be largely unrestricted.

The proposal satisfies P6 for this Standard.

29.4.3 Location and configuration of development

<p>A1</p> <p>A building and any development area must be setback –</p> <ul style="list-style-type: none"> (a) not less than 20.0m from the frontage to a road; or (b) if the development is on land that adjoins a road specified in the Table to this Clause, not less than the setback specified from that road; and (c) not less than 10.0m from each side boundary; (d) not less than 10.0m from the rear boundary; or <p>in accordance with any building area shown on a sealed plan.</p>	<p>P1</p> <p>The setback of a building and development area from the frontage or from a side or rear boundary must –</p> <ul style="list-style-type: none"> (a) be consistent with prevailing frontage setbacks for any existing and approved building or structure on the site or on adjacent land; (b) provide a sufficient physical and visual separation between the road and any use on the site sufficient to buffer or screen the site to view from a road or public place; and (c) provide measures to attenuate visual impact of the site
<p>Planning Comments: Complies</p> <p>The application is for re-development of the Boat Harbour Beach foreshore. The site is public reserve split between the Low Density Residential and Environmental Management zones. Development within the Environmental Management zoned area is restricted to the proposed lounging lawn and associated deck on</p>	

<p>the eastern side of the reserve, adjacent to the beach, and portions of the public carpark and realigned road on the western side of the proposed SLSC and café buildings. The lounging lawn and deck as well as sections of the road/carpark cannot comply with setback requirements and require assessment against P1 for this Standard.</p> <p>The realigned road, carpark and lounging lawn with deck are all public facilities forming part of the Boat Harbour Beach foreshore area. The lounging lawn/deck provide beach access via deck stairs for users of the adjacent recreation area and are setback at least 20m from Port Road.</p> <p>The proposed increase in carparking and road realignment is required to better meet the needs of users of the site and alleviate issues associated with illegal parking, including impact on sensitive areas of the foreshore, and blocking of residential driveways or the ability of roads to cater for two-way traffic.</p> <p>The redesigned public parking area for the Boat Harbour Beach foreshore has been split into three separate areas to mitigate the visual impact of parked cars clustered together whilst ensuring each space is easily accessible from the road. Landscaping in and around the parking areas is proposed to help attenuate visual impact.</p> <p>It therefore is considered that the proposal complies with P1 for this Standard.</p>	
<p>A3</p> <p>A building or a utility structure must be –</p> <p>(a) not less than 15m below the level of any adjoining ridgeline;</p> <p>(b) not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland;</p> <p>(c) below the canopy level of any adjacent forest or woodland vegetation; and</p> <p>(d) clad and roofed with materials with a light reflectance value of less than 40%.</p>	<p>P3</p> <p>(a) a building or structure must –</p> <p>(i) not be visually apparent on a skyline;</p> <p>(ii) not be visually apparent above the adjacent vegetation canopy;</p> <p>(iii) not be visually apparent on the shoreline or a marine or aquatic water body, water course, or wetland where possible; and</p> <p>(iv) not be visually apparent as a result of the reflection of light from an external surface; or</p> <p>(b) the location of a visually apparent building or structure must –</p> <p>(i) be essential and unavoidable in order to provide an overriding community benefit; or</p> <p>(ii) incapable of change due to an exceptional circumstance.</p>
<p>Planning Comments: Complies</p> <p>The works which require assessment under P3 for this Clause due to being within 30m of the shoreline are the lounging lawn and associated deck, parking areas on the western side of the SLSC building and portions of the realigned road.</p> <p>There are no forest or woodland areas adjacent to the site, with the closest area being coastal scrub north of the development area. No reflective materials are proposed, and the site is not on a skyline. The lounging area/deck provides an appropriate beach access for pedestrians and the increase in car parks will alleviate issues associated the current lack of parking, including users of the area parking on sensitive areas of the foreshore not intended for this purpose.</p> <p>Location of new carparks and the lounging lawn/deck is constrained by the irregular shape of the site and existing infrastructure. The deck and stairs are located on the playground area for the current SLSC and as a result there will be no significant increase in proximity of public recreation facilities to the shoreline. The most visually apparent parts of the development are the proposed SLSC building and café building which are located in the Low Density Residential Zone and away from the shoreline.</p> <p>It therefore is considered that the proposal sufficiently meets P3(a).</p>	

E10.6.2 Development in a shoreline area

<p>A1</p> <p>There is not acceptable solution.</p>	<p>P1</p> <p>Development must –</p> <ul style="list-style-type: none">(a) be required to locate in, over, on or under the shoreline, sea, or tidal waters for operational efficiency;(b) avoid unreasonably or unnecessarily impact on existing or potential access by the public to shoreline land or waters;(c) minimise impact on scenic quality of the sea-shore area;(d) minimise impact on amenity or aesthetic appearance of the sea-shore area as a result of -<ul style="list-style-type: none">(i) nature and operational characteristics of the development;(ii) location;(iii) bulk, size, and overall built form of any building or work;(iv) overshadowing; or(v) obstruction of views from a public place; and(e) minimise immediate or cumulative adverse effect for -<ul style="list-style-type: none">(i) tidal, wave, current, or sediment movement processes;(ii) coastal landforms, seabed, and other geomorphic features, including sand dunes and mobile landforms;(iii) vulnerability to erosion and recession;(iv) natural cycles of deposition and erosion;(v) conservation of biodiversity and marine habitat, including during critical lifecycle stages of individual and migratory species;(vi) drainage from a water course, wetland, ground water, flood, stormwater, or tidal water;(vii) coastal water quality;(viii) likely interference or constraint on use of public areas;(ix) any scientific, architectural, aesthetic, historic of special cultural value;(x) exposure to or increased risk from a natural hazard, including sea level rise, storm surge, or inundation as a result of climate change;
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	<ul style="list-style-type: none"> (xi) coastal protection and rehabilitation works required to address erosion, instability, regression, or inundation; (xii) collection, treatment, and disposal of waste, including bilge waters and excavated or dredged sediment; (xiii) economic activity dependent for operational efficiency on a sea-shore location; (xiv) public safety and emergency services; (xv) marine navigation and communication systems; (xvi) safety of recreational boating; and (xvii) be consistent with the current edition of Tasmanian Coastal Works Manual DPIWE 2011.
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Planning Comments: Complies

The proposal is for the redevelopment of the Boat Harbour Beach foreshore. The majority of works within 30m of the mean high water mark (MHW) are exempt from requiring a planning permit under one or more of Clauses 5.2.10, 5.2.12, 5.4.3, 5.6.1 and 5.6.7 of the Planning Scheme and do not need to be assessed against this code.

The works which require assessment under P1 for this Clause are limited to the lounging lawn and associated deck, parking areas on the western side of the SLSC building, sections of the SLSC building and portions of the realigned road.

The site is an irregularly shaped public reserve bordered by the coastline. The proximity of development to the MHW is informed by the shape and topography of the site. No buildings are to be located in, over, on or under the shoreline. The closest development to the shoreline is the lounging lawn/deck which provides pedestrian beach access and is located in the playground area for the current SLSC. There will be no significant increase in proximity of public recreation facilities to the shoreline.

The most visually apparent parts of the development are the proposed SLSC building and café building, which primarily comply with the 30m setback requirement. Priority has been given to maintaining public recreation areas on the beachside of the buildings and maintaining the amenity of this portion of the site. The protruding portion of the SLSC building faces the seawall and parking area, which will be less frequently occupied by the public for extended periods.

The TIA submitted with the application states that the proposed development, including SLSC clubrooms, gym, café and community meeting space will not generate additional traffic to the area as it replaces existing facilities and includes facilities which are not expected to generate additional traffic. The increase in car parks will alleviate issues associated the current lack of parking, including users of the area parking on sensitive areas of the foreshore not intended for this purpose.

The subject site is not identified as containing any threatened flora or fauna or other significant ecological values and it is not utilised for drainage or waste management purposes. It is an existing public reserve and will continue to be used for this purpose.

SLSC activities are dependent on a sea-shore location for operational efficiency. Other than a community meeting space, no new uses are introduced to the site as a result of this development. The new SLSC facility includes patrol and first aid facilities to ensure public safety within the Boat Harbour Beach area, including marine navigation and communication systems to improve the safety of recreational boating.

In terms of natural hazards, a coastal hazard risk assessment prepared by Alluvium Consulting Australia Pty Ltd was submitted with the application. The report was prepared by suitably qualified persons and covers

risks associated with tidal, wave, current, or sediment movement processes as well as vulnerability to erosion, recession, and sea level rise.

The report does not identify any significant design changes to the proposed development; however, several recommendations are made to ensure the resilience of the development in its coastal setting. It is recommended that compliance with the recommendations contained in the Alluvium report be a condition of any permit issued.

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. The proposed works are located on established lawn and parking areas which do not form part of any active management area for coastal erosion, recession, or inundation.

It is recommended that the following condition be included on any permit issued:

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.

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

The proposal meets the Acceptable Solution for all other applicable Standards of the Low Density Residential and Environmental Management 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 two (2) representations were 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 as a result of this report 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 redevelopment of the Boat Harbour Beach foreshore complies with either the acceptable solution or satisfies the performance criteria for all applicable standards of the Planning Scheme. Redevelopment of the site moves non-residential use further from existing sensitive uses whilst improving the quality of passive recreation facilities for the local community, as well as road layout and parking on the foreshore. The proposal provides convenient access to social and recreation facilities and is compatible with the amenity of character of Boat Harbour Beach as a popular swimming, holiday location and recreational area with a longstanding SLSC. There are no other food services or indoor recreation/community facilities within walking distance for the residents of Boat Harbour Beach and the development has been designed and appropriately conditioned to minimise the potential for conflict between use of the site and nearby sensitive uses.

The application is considered to comply with the Low Density Residential and Environmental Management Zone provisions as well as relevant Codes for the *Waratah-Wynyard Interim Planning Scheme 2013*. It is therefore recommended that Council approve a planning permit for the proposed redevelopment of the Boat Harbour Beach foreshore.

MOVED BY	CR COURTNEY
SECONDED BY	CR ROBERTS

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 redevelopment of Boat Harbour Beach foreshore (new café, SLSC building, kiosk, passive recreation facilities and associated infrastructure) and reconfiguration of road layout and parking areas at Port Road, Boat Harbour Beach subject to the following conditions: -

PART A CONDITIONS:

- 1. The development is to be generally in accordance with the application as submitted and endorsed documents as listed:**
 - a. Proposal plans with Project Number 2219 Revision H with Drawing Numbers A00-00, A00-01, A00-02, A02-00, A02-01, A03-00, A04-00, A04-01 and A05-00 as prepared by Jason Licht of Licht Architecture and dated 7 December 2022.**

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- b. **Parking layout with Drawing Number 3406-36 and Sheet Numbers SK02, SK03 and SK03A as prepared by Chris Martin of CSE Tasmanian Pty Ltd and dated July 2021.**
 - c. **Landscaping plans as prepared by Playstreet Pty Ltd and dated December 2022.**
 - 2. The development is to be in accordance with the recommendations of the Coastal Hazard Assessment as prepared by Phebe Bricknell and Steph Doumtsris of Alluvium Consulting Australia Pty Ltd and dated 21 October 2022.**
 - 3. Hours of operation for the café/kiosk are from 8:00am to 9:00pm Monday to Sunday.**
 - 4. Hours of operation for the Surf Lifesaving Club and gym are from 6:00am to 10:00pm Monday to Sunday, with afterhours access limited to surf lifesaving club members.**
 - 5. Hours of operation for the Multipurpose space are from:**
 - 8:00am to 9:00pm Sunday to Thursday**
 - 8:00am to midnight Friday and Saturday**
 - 6. Use of the gymnasium is restricted to members of the Surf Lifesaving Club.**
 - 7. Delivery and despatch of goods and the conduct of maintenance and service on the site are to be conducted between 6am and 6pm.**
 - 8. External lighting is to be located, directed, shielded and of limited intensity so that it causes no nuisance to nearby residents or danger to passing traffic.**
 - 9. Stormwater from the development is to be connected and discharged into Council's stormwater drainage network.**
 - 10. 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.**
 - 11. Construction of civil engineering work associated with the Development is to comply with the requirements of Council's Policy PR003– Standard requirements for the construction of new infrastructure assets and the replacement of existing infrastructure assets.**
 - 12. Relevant engineering plans, specifications, calculations and computations are to be certified by a Chartered Professional Engineer in the relevant field and submitted to the Director Infrastructure & Development Services or their delegate or their delegate for approval. No work is to commence until a Construction Certificate has been issued by the Director Infrastructure & Development Services or their delegate.**
 - 13. On completion of work covered by a Construction Certificate a Chartered Professional Engineer in the relevant field is to certify by declaration that all work has been carried out fully in accordance with the approved plans, specifications, calculations, and computations. "Works as Constructed" drawings that comply with the requirements of Council's "Submission of digital-as-constructed information" template are to be supplied.**
 - 14. In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.**

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15. Loading and un-loading of vehicles is to be confined to within the boundaries of the property.
 16. Off street car parking and hardstand areas are to be surfaced in an all-weather material such as concrete, asphalt or bitumen spray seal. All stormwater runoff from the car parking and hardstand areas is to be collected on-site and directed to a stormwater system designed to cater for a 5% AEP rainfall event and discharged to a legal point of discharge to the reasonable requirements of the Director Infrastructure & Development Services or their delegate.
 17. The Carpark Road is to be of compacted crushed rock pavement, designed in accordance with the Austroads Pavement Design Guidelines, with a pavement width according to the endorsed plans and a minimum total pavement thickness of 300mm plus a 40mm asphalt seal, concrete kerb and channel and footpaths all in accordance with the Tasmanian Standard Drawing TSD-R06-v3, Urban Roads Typical Sections and Pavement Widths, and is to be constructed to the reasonable requirements of the Director Infrastructure & Development Services.
 18. On-street parking hardstand areas are to be of the same standard as the Carpark Road.
 19. A 150 diameter stormwater connection point including an accessible inspection opening at ground level is to be constructed at the lowest point of the lot to permit connection to Council's stormwater drainage reticulation network. The connection point is to be inspected and approved by the Director Infrastructure & Development Services or their delegate or their delegate before backfilling.
 20. All footpaths are to be constructed to the width specified in the endorsed plans and are to be constructed in accordance with Tasmanian Standard Drawing TSD-R11-v3 Urban Roads Footpaths.
 21. The applicant is to supply and install traffic management devices that include, but are not limited to, signage and line marking in accordance with the suite of AS 1742 standards, and which meet the requirements of Department of State Growth. Before a Construction Certificate may be issued, the applicant or his designer is to prepare a set of traffic management drawings that are to be submitted to and approved by Department of State Growth.
 22. Concrete kerb and Channel is to be constructed in accordance with Tasmanian Standard Drawing TSD-R14-v3, approved Concrete Kerbs and Channels Profile Dimensions as specified in the endorsed plans.
 23. Before site disturbance or construction commences an environmental management plan is to be prepared and submitted for approval by the Director Infrastructure & Development Services or their delegate or their delegate. The plan is to outline proposed practices in relation to:
 1. Temporary run-off and erosion controls, which are to be installed before the development commences. Controls are to include, but are not limited to:
 - o Minimisation of site disturbance and vegetation removal;
 - o Diversion of up-slope run-off around cleared and/or disturbed areas, areas to be cleared and/or disturbed or filled providing such diverted run-off does not cause erosion and is directed to a legal discharge point;

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- Installation of sediment retention traps (e.g. sediment fences, etc.) at the down slope perimeter of a disturbed area or stockpile to prevent unwanted sediment and other debris escaping from the land;
 - Rehabilitation of all disturbed areas as soon as possible.

2. Weed management

3. Storage facilities for fuels, oils, greases, chemicals, and the like

4. Litter management

Erosion control measures are to be maintained at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development.

24. 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.

PART B CONDITIONS

1. The person responsible for the activity must comply with the conditions contained in Schedule 2 of Permit Part B which the Regulated Entity (trading as TasWater) has required the planning authority to include in the permit, pursuant to section 56Q of the Water and Sewerage Industry Act 2008, reference TWDA 2023/00109-WWC (attached).

Notes: -

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

- An “Activity in Road Reservation” permit must be obtained from Council for all activity within the Road Reservation.
- 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 325/2022. Any variation requires an application for further planning approval of Council.
- A full assessment of the water supply and change room design will be undertaken at the Building/Plumbing application stage.
- An EHO report regarding the food handling areas will be undertaken at the Building/Plumbing application stage.
- 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.











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- 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 Tasmanian Civil & Administrative Tribunal (TASCAT), G.P.O. Box 2036, Hobart, 7001 (mailto:resourceplanning@tascat.tas.gov.au). Updated Notices of Appeal are available on the Tribunal’s website at <https://www.tascat.tas.gov.au/>.

The MOTION was put and was CARRIED.

IN FAVOUR

CR BRAMICH	CR COURTNEY	MAYOR DUNIAM	
CR HYLAND	CR ROBERTS	CR JOHNSTONE	

6.5 LIFESTYLE VILLAGE (216 DWELLINGS, CLUBHOUSE PRECINCT, UTILITY SHED, VEHICLE PARKING, ACOUSTIC FENCING AND ASSOCIATED INFRASTRUCTURE) LOCATED AT OLD BASS HIGHWAY, WYNYARD - DA 171/2021

To: Council
Reporting Officer: Town Planner
Responsible Officer: Manager Development and Regulatory Services
Report Date: 21 March 2023
File Reference: 3357806
Supporting Documents: 1. Consolidated Advertised Documents 
2. TasWater Conditions 
3. Representation 1 
4. Representation 2 
5. Representation 3 
6. Representation 4 
7. Representation 5 
8. Representation 6 
9. Representation 7 
10. Representation 8 

PURPOSE

The purpose of this report is for Council to consider the merits of the application DA 171/2021 against the requirements of the *Waratah-Wynyard Interim Planning Scheme 2013*.

BACKGROUND

The subject site is an 11.63ha vacant residential lot accessed from the Old Bass Highway via a privately owned road. The adjoining lots to the north-east and across Old Bass Highway to the north are Rural Resource zoned but are the size of typical residential lots and contain single dwellings with associated outbuildings. The lot to the north-west is a large residential lot containing a dwelling and outbuildings and the lot to the west is also a large vacant residential lot.

To the south the subject site adjoins the Bass Highway and to the east the property adjoins a Rural Living zoned property containing a dwelling and outbuildings, and which is used as a hobby farm. A locality plan is presented in Figure 1.

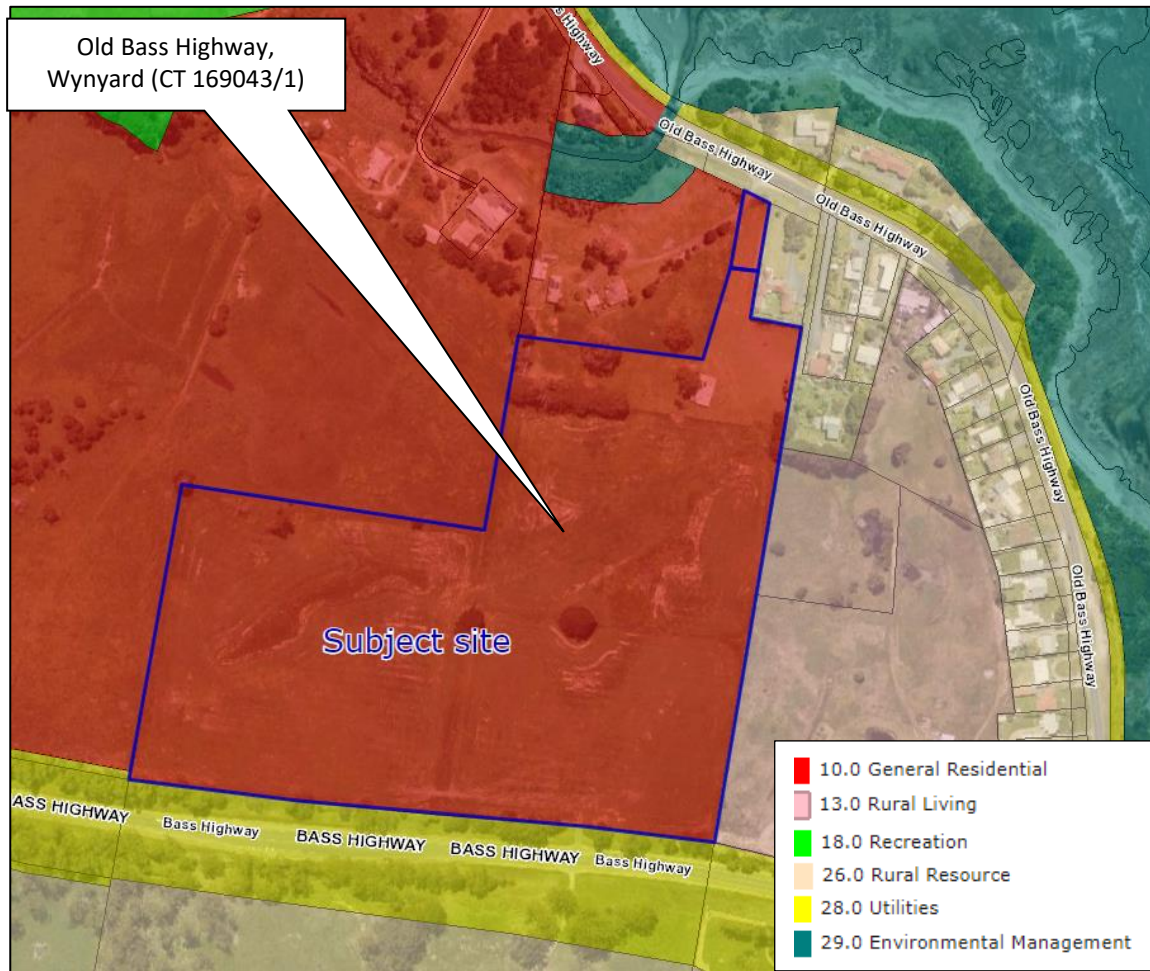


Figure 1: Subject site with zoning

DETAILS

The applicant is seeking approval for a lifestyle village primarily aimed at residents over 55 years of age, with some exemptions for circumstances such as disabled children living at home. The development consists of 216 separate dwellings, accessed from a shared internal driveway off Old Bass Highway. The proposal does not involve creation of new residential lots via subdivision. Properties will be available via lease rather than freehold (strata title) arrangement.

The proposal includes eight different dwelling types. Each of these contains a combined kitchen/dining/living area, laundry, verandah, porch and outdoor private open space area as well as the following:

Dwelling type	Study	Bedrooms	Bathrooms	Parking Spaces
1, 2, 8	1	2	2	2
3, 5, 7	No	2	2	2
4	No	2	1	2
6	No	3	2	2

Each of the dwellings are clad in weatherboard and roofed with Colorbond with a maximum height of 5.5m.

The proposed dwellings will have minimum setbacks of 1.5m from rear and side boundaries of the site and 4.5m from the rear boundaries of lots with adjoining frontages (187 and 191 Old Bass Highway). However, setbacks from side boundaries will likely be at least 10m due to the service easements running along these boundaries.

In addition to the two parking spaces provided for each dwelling, an additional 39 visitor spaces, including 5 accessible parking spaces, are proposed for a total of 471 parking spaces.

The proposal also includes a clubhouse precinct containing a community centre building with indoor pool, bowling green, putting green, driving nets, bocce and pickle ball court. These facilities are considered ancillary to the multiple dwelling development as they are only for use by occupants of the site and their visitors.

The community centre building housing the indoor pool has a floor area of 830m² and includes a gym, games room, lounge and dining areas, kitchen, bar, theatre, office, laundry, toilet facilities, storage areas and an outdoor lounge. The building has a maximum height of approximately 6.8m and is clad in weatherboard and roofed in Colorbond. The clubhouse precinct is located at least 40m from the nearest boundary.

The proposal also involves the development of a utility shed with a floor area of 100m² and a maximum height of approximately 4m. The shed is clad and roofed in Colorbond and is setback approximately 15m from the nearest boundary, being the rear boundary of the adjoining lot at 187 Old Bass Highway.

Ancillary infrastructure includes shared fenced bin enclosures throughout the site and communal garden and picnic areas as well as a pump station, electricity substation and a series of internal pathways to facilitate pedestrian access from Old Bass Highway and throughout the site.

Proposed fencing includes 2.4m high acoustic fencing along the southern boundary facing the Bass Highway with 1.8m high Colorbond fencing along the remaining boundaries and around each proposed dwelling to delineate the private area associated with each dwelling from common areas. A 1.8m high gated entry is proposed behind the dedicated visitor parking area at the front of the site, approximately 80m from the boundary to Old Bass Highway.

It is proposed to complete the development in seven stages as outlined in the table below:

Stage	Dwellings	Other Development/Infrastructure
1	49	clubhouse precinct, utility shed, pump station, electricity substation, 28 visitor parking spaces (5 accessible) communal garden/picnic/BBQ area
2	34	nil
3	23	6 visitor parking spaces, communal garden and picnic area
4	30	nil

Stage	Dwellings	Other Development/Infrastructure
5	34	6 visitor parking spaces, acoustic fencing, communal garden and picnic area
6	21	acoustic fencing
7	25	acoustic fencing

The shared internal driveway , associated pathways, and shared bin enclosures will be constructed with each stage as appropriate.

The pump station will be located in close proximity to the Old Bass Highway and is intended to form part of TasWater’s sewerage infrastructure. The design of the pump station has yet to be finalised as it will require Engineering Design Approval from TasWater.

It is noted that the construction of the pump station itself is exempt under Clause 5.2.7 of the Scheme. With the exception of works within 30m of Seabrook Creek, expansion of TasWater’s serviced area outside of the primary lot - along the Old Bass Highway and Bass Highway - is also exempt under Clause 5.2.7. Expansion of Council’s stormwater network is exempt under Clause 5.2.2.

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

The subject property is zoned General Residential under the Planning Scheme. The proposal is for a Residential use in the form of multiple dwellings which is permitted in the zone, should the application meet all the relevant Acceptable Solutions.

The application also includes provision of infrastructure across land zoned Environmental Management, a Utilities use. Provision of a new vehicle crossover across the Rural Resource zoned Crown land parcel is exempt under Clause 5.2.5.

The proposal does not comply with all the acceptable solutions and the applicant is applying for discretion under the following clauses of the Planning Scheme:

- Setbacks and building envelope for all dwellings 10.4.2 (P1, P3);
- Frontage fences for all dwellings 10.4.7 (P1);
- Suitability of a site or lot for use or development 10.4.9 (P2);
- Location and configuration of development 10.4.11.1 (P4);
- Setback of development for sensitive use 10.4.12 (P1, P2);
- Provision for parking E9.5.1 (P1); and
- Development in proximity to a water body, watercourse or wetland E10.6.1 (P1).

CONSULTATION PROCESS

The consultation process was the public exhibition period set out in the *Land Use Planning and Approvals Act 1993* (LUPAA) and involved notification of adjoining 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:

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- Development application form x 3 pages;
 - Crown consent x 5 pages;
 - Title documents x 36 pages;
 - Supporting report x 66 pages;
 - Proposal plans x 33 pages;
 - Infrastructure assessment report x 80 pages;
 - Stormwater management strategy x 27 pages;
 - Coastal vulnerability assessment x 36 pages;
 - Natural values assessment x 20 pages;
 - Noise report x 30 pages; and
 - Draft management plan x 10 pages.

The period for representations closed on 22 March 2023. Eight (8) representations were subsequently received:

- Representation 1 – A & R Durnford
- Representation 2 - T Ross
- Representation 3 – C Thomas
- Representation 4 – A Stevens
- Representation 5 – S Morgan
- Representation 6 – W & S Foreman
- Representation 7 – D College & K McShane
- Representation 8 – Doctors Rocks Community Group & L Dicker

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



Figure 2: Relationship between subject site and representors properties

A summary of the issues raised by each representation and planning responses to these issues are provided below. While every effort has been made to include all issues raised, this summary should be read in conjunction with the complete representations which are included as enclosures to this report.

Issues Raised:	Response:
<p>Inconsistencies in advertised documents (Representation 8)</p> <p>The Planning application refers to 218 Residential Dwellings plus clubhouse, utility shed etc.</p> <p>However, the Irenelnc Report initially refers to a staging plan (Page 10), with 218 dwellings, but the dwelling plan shows 2 dwellings with number 216 (would result in 219 lots total). Page 11 and 16 of the report state that there will be 213 dwellings. The Infrastructure Assessment Report on Page 7 refers to approximately 220 lots. However, the Traffic Assessment Report was conducted for 86 dwellings.</p> <p>The Irenelnc Report details 8 house typologies, whereas the Design Reference refers to 6 typologies.</p>	<p>The application was advertised for 216 dwellings. The plans submitted with the application also show a total of 216 dwellings. There is some misnumbering with a double up of numbers 42 and 216, which would give a total of 220, however there will be no dwelling where numbers 2, 60, 74 or 75 would have been bringing the total of numbered properties to the advertised number of 216.</p> <p>The infrastructure assessment refers to 220 lots for assessment purposes however 4 lots will not have dwellings on them. The site plan submitted with the applications shows green space where 2, 60, 74 and 75 would have been. The use of the term 'lots' within the context of this application is intended to refer to the separated sections of land, most of which will be available for lease. The application is not for a subdivision or strata.</p>

<p>Given the massive size of the development, it would be expected that studies are up-to-date, and the key messages are clear and concise. This is not the case. It appears that the council has relaxed the standards for this application.</p>	<p>The reference to 86 dwellings is from a Traffic Impact Assessment (TIA) undertaken for a previous development proposal for the site. Traffic data from this TIA was referred to in the TIA submitted for the application by Chris Martin of CSE Tasmania, although the final assessment was updated to include more recent traffic and crash data.</p> <p>The proposal includes eight different dwelling types however some of these are mirror images of each other and appear the same when viewed from the street. An assessment of the key characteristics of each dwelling type is included in the details section above.</p> <p>The design reference is only an indicative document and does not form part of the proposal plans which will be endorsed by Council. The endorsed proposal plans are limited to the plans prepared by Manns & Troup Architects.</p> <p>Council has also based its assessment of compliance against the provisions of the Planning Scheme on 216 dwellings.</p>
<p>Wetlands (Representation 8)</p> <p>Perennial wetlands are covered in some detail within the planning documentation, but the documentation lacks any definitive data or conclusive independent reporting or assessments.</p> <p>The planning application states that the site was “historically a wetland but has since been pumped”. That statement has not been justified. The area in question is identified as a perennial wetland by The List 2021 (Fig 18 Irenelnc report). Irenelnc’s report also suggested that the area deemed wetland “previously” contained wetland (fig 20) in their conclusion.</p> <p>The definition off perennial wetlands is as follows: “Perennial wetlands hold water at certain times of the year in intermittent intervals lasting weeks or months” (Source- Dept of Natural Resources TAS).</p> <p>The documents suggestion that the area in question has been pumped and drained in the past is supported with photographic data from the months of December (height of summer), which is misleading and inconclusive. There are no studies or photographic evidence from</p>	<p>The Water and Waterways Code applies for use or development on land within 30m of the bank of a water body, watercourse or wetland.</p> <p>‘Wetland’ is defined in the Planning Scheme as a depression in the land, or an area of poor drainage, that holds water derived from ground water and surface water runoff and supports plants adapted to partial or full inundation and includes an artificial wetland.</p> <p>Mapped wetland areas are shown on the LIST Hydrographic Area which depicts all waterbody and associated polygon features in the hydrographic theme including lakes, estuaries, dams, mudflats, swamps and coastal flats. It contains attributes that allow area features to be delivered in separate layers and with attributes. The data set is held as regions which allow area features to overlap.</p> <p>As of the time the application became valid and was able to be assessed by Council, none of the current layers on LISTmap show wetland areas on the site. TASVEG 4.0 identifies the site as being modified agricultural land.</p> <p>The only portion of the site requiring assessment against the Water and Waterways Code is the area within 30m of the small</p>

<p>winter and wetter months of the year. The language of the reports containing wording such as “it’s obvious”, “previously contained”, “appeared to be” and “might have been”.</p> <p>The Doctors Rocks Community Group requires independent supportive evidence to prove that the wetland no longer exists but would concur that agricultural activities did indeed take place in Dec 2018 as suggested as this is the only time such practices could occur during summer months.</p> <p>Furthermore, any suggestion that the developer or their planning consultants are unaware of historical drainage or subsequent removal of this ecological system can be dispelled by the admission that the land in question has remained the property of Seabrook Estate Pty Ltd since 2007 who should have intimate knowledge of works within their own ownership time frame.</p> <p>Having held discussions within the Doctors Rocks community (particularly those residing here for many years) the wetlands certainly do exist for periods of wetter months and are alive for those periods of the year. The area contains native hens and bandicoots, both of which are protected in Tasmania, as well as protected native Tiger snakes that rely on the receding wetland habitat to survive coming into the warmer breeding season towards the end of the year.</p> <p>The area is a valuable natural asset and requires further independent advice regarding its development. The community group is suggesting a period of research month by month over a two-year time frame for meaningful data.</p>	<p>artificial drain on the western side of the lot. Expansion of TasWater’s sewer mains also requires assessment under this code where it is within 30m of the creek. Expansion of Council’s stormwater network is exempt under Clause 5.2.2</p> <p>For a full discussion of how the proposal complies with Clause E10.6.1 of the Water and Waterways Code please see the planning assessment section below.</p> <p>There are no threatened native vegetation communities or threatened flora, or fauna species mapped on the site.</p>
<p>Traffic increase (Representations 1-4, 7-8)</p> <p>Old Bass Highway is busy enough as it is, without this many additional vehicles trying to get out of their driveway during the day.</p> <p>The exit is already quite dangerous and anyone on this part of the Old Bass Highway must be very quick and alert. With additional traffic, this will become even more of a problem for road users.</p> <p>In the last few years traffic has increased along the Old Bass Highway. A new assessment needs to be conducted. At certain times of the day, it</p>	<p>An Infrastructure Assessment Report, including a Traffic Impact Assessment (TIA), prepared by Chris Martin of CSE Tasmania was submitted with the application. Mr. Martin is an experienced traffic engineer and a suitably qualified person.</p> <p>The TIA drew upon a report undertaken by another traffic engineer, Milan Prodanovic, with an updated assessment based on more recent traffic and crash data.</p> <p>The TIA considered the suitability of existing and proposed roads to cater for the increase in traffic likely to be generated by the proposed development.</p>

<p>can be difficult and potentially dangerous to exit and enter the residences on the Old Bass Highway.</p> <p>This Development will increase the traffic further and the road itself will need to be improved to ensure for the safety of road users including pedestrians and cyclists.</p> <p>There is already another major subdivision in the area at the Seabrook golf course. This is another large housing estate. Even with the new highway upgrade, there is going to be very significant road traffic usage to these subdivisions on this access road. Why has access off the main back highway been rejected as an entry to this estate?</p> <p>The Traffic Report is based on assumptions and has not taken into account the other developments Seabrook Estate, Seabreeze Estate etc. As with other parts of the submission, the areas concerning traffic onto the Old Bass Hwy are largely based on assumptions. The traffic study is based on historic data and only contains a small recent update.</p> <p>Impact of extra traffic in Wynyard township. At present it can be difficult to park in town and at the Woolworth's, library and council chambers. The town infrastructure is unable at the present time to cope with existing local traffic.</p>	<p>Neither Mr. Martin nor Council's Engineering Department have any concerns regarding the impact of the proposed development on the future safety of the road network in this area of Wynyard and it is considered that the proposal can comply with all relevant requirements of the Planning Scheme, subject to the conditions that have been recommended by Council's Engineering Department.</p> <p>These conditions include construction of a Channelised Right Turn (CHR) opposite the entrance to the property which will create a distinct separate turn land for traffic entering the subject site. Any road widening required because of the CHR will be confined to the road corridor and constructed at the developer's expense.</p> <p>The Bass Highway is a high traffic arterial road. The Department of State Growth has not consented to a new access onto the highway and is unlikely to do so given the speed of traffic in the area. Both the TIA and Council's Engineering Department consider that the proposed access onto Old Bass Highway is suitable for the traffic to be generated by the development. Impact of the development on the availability of parking in the main shopping area of Wynyard is not a relevant consideration under the Planning Scheme.</p>
<p>Public notification process (Representations 1-3, 4, 8)</p> <p>The application should have been made known by personal letter to surrounding landowners as the impact will extend beyond immediate neighbours.</p> <p>There has been no consultation with neighbours about this proposal prior to its submission to Council. Proper consultation should be arranged by Council for all parties to have input prior to any final consideration.</p> <p>This development will impact the entire Wynyard community. There is potential for an extra 450 people to reside in this area, which will create different issues. Many locals are not aware of this development. It is unfair to the community not to be informed. The council should actively consult with the residents of the entire area.</p>	<p>Section 57 of the <i>Land Use Planning and Approvals Act 1993</i> sets out the requirements for public advertising of discretionary applications.</p> <p>These requirements include a 2-week advertising period during which the application is advertised in the Local Government Section of The Advocate newspaper and a copy made available on Council's website. A site notice is also placed at the property and letters are sent to adjoining property owners. Adjoining property owners share a common boundary with the land subject to this application.</p> <p>Any resident or property owner has the right of input into Council's decision by making representation when a development is advertised.</p> <p>Council is required to comply with the statutory notification process for all discretionary</p>

<p>Why haven't the residents in this area living close to the subdivision been contacted?</p>	<p>applications and cannot show preference or prejudice to an application by broadening or restricting this process.</p>
<p>Noise concerns (Representation 1-3)</p> <p>The proposal will result in an unacceptable increase in noise due to the number of residences proposed. People have bought and moved to this area because of the large blocks of land, and the decreased population density.</p> <p>The proposal does not include any detail for how noise will be managed during the construction phase. Noisy equipment will seriously affect the peaceful enjoyment of the residents in the area over a lengthy period of time.</p> <p>Having such a large development will cause existing residents stress, due to the extra activity in their area.</p>	<p>The site is zoned General Residential and the standard restrictions for noise in an urban area apply to activities on the site. These restrictions are covered by the <i>Environmental Management and Pollution Control (Noise) Act 1994</i>.</p> <p>Potential issues associated with noise during construction fall under the jurisdiction of the Building Surveyor supervising the construction process.</p>
<p>Environmental impact (Representations 1, 3, 8)</p> <p>Damage to the penguins and the environment directly across the road from the proposed Village will be increased. Already penguins are becoming roadkill along this stretch. The addition of over 200 people traipsing along the beach and destroying their habitat is not okay.</p> <p>The coastal area opposite the entrance to the development is a vulnerable conservation area and would be adversely impacted by the construction process and the extra-large increase in population. The penguin population will be impacted.</p> <p>The Natural Reserve with a protected species penguin colony is only meters away from the proposed community and all issues raised above. There should be a detailed assessment on the impacts of the penguin colony especially in view of stormwater issues.</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>Any responsibilities the developer may or may not have towards the penguin colony under legislation such as the Environment Protection and Diversity Conservation Act 1999 (EPBC Act) are separate to Council's role as a planning authority. Council does not have any authority to require the applicant to consider impact on the penguin colony.</p> <p>Any specific concerns regarding the penguin colony should be directed to the Marine Conservation Program at NRE Tas.</p>
<p>Servicing issues (Representations 1-3, 6-8)</p> <p>Current landowners rely on onsite wastewater disposal systems and require large lots to manage waste appropriately. There will be issues with the amount of waste generated by the development in terms of increased pressure on current resources.</p> <p>There are already serious issues with the capacity of the Wynyard sewerage treatment plant and the Somerset plant is also under stress. The report states on page 160 of the</p>	<p>The proposal will be fully serviced by connections to reticulated sewer, stormwater, and water.</p> <p>The application was referred to TasWater who have consented to the development and submitted conditions which will be attached to any permit issued. The developer is to be responsible for extending TasWater's sewerage and water network out to the development, including installing infrastructure of an appropriate standard for TasWater to take over</p>

<p>submission that TasWater currently has “capacity issues” and “challenges” with current loading requirements on the sewerage processing plant without any future development and that “Balance tanks may be required”</p> <p>The large amount of storm water which would be generated from this development also has the potential to cause issues.</p> <p>Even a low level rain event over the site will produce a massive amount of storm water that will need to be captured and treated before being discharged into Seabrook Creek. The Application provides minimal advice as to the design and effectiveness of the stormwater infrastructure and the modelling provided is only based on a 2 hour (110 minutes) rain, but it can actually rain for days, how will the proponent ensure all storm water will be treated before being discharged?</p> <p>The majority of the allotment proposal however is interconnected to large volume holding dams via a network of vegetated stormwater swales. The developer should be responsible to eliminate any open drains from their residential development proposal and adhere to the current requirements to bury and pipe all stormwater runoff to adequately covered stormwater treatment facilities prior to directing runoff to a protected National Park area.</p> <p>There should be a written undertaking by the developer that all stormwater will be contained within the development site envelope and will not be directed to other properties by design or due to failures or blockages of drains for the lifespan of the development.</p>	<p>as an asset under the <i>Water and Sewerage Industry Act 2008</i>.</p> <p>Council’s Engineering Department has also required the developer to extend Council’s stormwater network to meet the requirements of the <i>Urban Drainage Act 2013</i>. Concentrated stormwater will be directed into this system. This will involve installation of appropriately sized pipes as well as a gross pollutant trap in the road reserve.</p> <p>NRE Tas have consented to the installation of stormwater infrastructure across their land and into Seabrook Creek, which already forms part of Council’s urban stormwater drainage network. However, further consultation is likely to be required with both Council and NRE Tas to ensure works comply with the requirements of the <i>Tasmanian Coastal Works Manual 2000</i> and are consistent with the <i>State Policy on Water Quality Management 1997</i>.</p> <p>The application has been conditioned to require a detailed engineering design, including a report on all parameters and assumptions of the design is to be submitted to Council for approval prior to the issue of drawings for construction.</p> <p>The detailed engineering design will need to ensure that stormwater is treated to the current <i>Water Sensitive Urban Design (WSUD)</i> standards, which involves conforming to accepted Tasmanian and Australian practices.</p> <p>The proposal meets acceptable solutions A3 (water supply), A4 (sewer supply) and A5 (stormwater) for Clause 10.4.9 of the <i>General Residential zone provisions</i>. As the acceptable solution is met, these matters are deemed to comply and are not discretionary.</p>
<p>Community & health services (Representations 1, 3, 8)</p> <p>The proposal caters for vulnerable residents without consideration for critical ongoing community support, medical and aged care systems. The current services are at capacity to the point, that General Practitioners in Wynyard do not accept new patients.</p> <p>By adding 400+ aged and vulnerable people to our community, the current services will be severely impacted or restricted further for new and current members of the municipality. It</p>	<p>Clause 8.10 of the <i>Planning Scheme</i> 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>Capacity of existing medical and aged care services is not a relevant consideration under the <i>Planning Scheme</i> and is not something that Council as a <i>Planning Authority</i> can consider when assessing the application.</p>

<p>appears that no impact statements been completed in view of social services within the municipality.</p> <p>The development is aimed at an older demographic which require more medical services than the general population. The proposal will place an additional burden on medical services in the area which are already under stress, particularly Burnie hospital.</p> <p>There is also a lack of aged care support workers in the area as well as a lack of capacity in aged care homes. As this development is aimed at older age groups, the needs of residents may not be able to be met by the services that are available.</p> <p>The Waratah Wynyard council by approving this planning application would disservice our current aging and vulnerable residents by ultimately reducing the current standards of health care. An impact statement should be conducted to provide satisfactory evidence that current support services will not be impacted adversely and can also support a development of this scale.</p>	<p>None of the discretions triggered by the application require consideration of whether the proposal will benefit or negatively affect the community as a whole. Council cannot validly consider matters outside those it is directed to consider by the Planning Scheme.</p>
<p>Impact on property values & area (Representation 1-2)</p> <p>The proposed development appears to be aimed at the lower socio-economic demographic. Being a lower socio-economic demographic, residents of the development, particularly those on Commonwealth benefits, are unlikely to have discretionary spending money and will financially contribute very little to the local economy.</p> <p>Based on the design, the dwellings appear to be cheaply constructed and may be prefabricated buildings imported from the mainland. The proposal will not enhance the aesthetic appeal for the region, nor will it help employment in our region or be a financial benefit to the community.</p> <p>The proposal will decrease the value of current residences in the area.</p>	<p>The Planning Scheme does not distinguish between different types of dwelling in terms of design e.g. prefab, transportable, brick and slab etc. Each of these is treated as residential use. The cladding materials or other design elements of a building are not relevant considerations except as they relate to assessing the visual impact of a building constructed closer than the permitted setback to a boundary.</p> <p>The proposed development is only seeking a reduction in setback from the Bass Highway. The proposed development otherwise complies with setback requirements from adjoining residential lots.</p> <p>The socio-economic demographic of future occupants is not a relevant consideration for Council as a planning authority, nor is any potential impact on property values. However, it is noted that the proposal is for a private development aimed at the over 55's demographic, it is not intended for public housing.</p>

<p>Density & Council rates (Representations 1-3, 6-7)</p> <p>There are too many units proposed for the site and the density of the development is not consistent with the area. It is a rural setting, and residents are here because they didn't want to be in suburbia.</p> <p>The proposed individual blocks are very small compared to existing homes in the area and from the plan show very little green space. Due to the density, the separation between each individual dwelling will not allow adequate sunlight to private open spaces as required.</p> <p>The higher density residential development that is not appropriate for the area in relation to the distance from the township and local services. People will not be within walking distance of any shops or services in times of emergency and would be reliant on their own vehicle for convenience.</p> <p>It would be better to have a rural residential development with blocks similar to the previous proposal in 2006, or a size more appropriate that would allow for disposal of sewage and stormwater on each block. This would also be more likely to increase revenue from rates on each block and attract a more diverse demographic which would contribute to the overall community.</p> <p>How will revenue be collected from a development of this scale where there is no issuing of titles for individual allotments nor is this development a strata title arrangement? How does the Wynyard Council and community members benefit from this huge allocation of residential housing?</p> <p>The development application clearly states that this development is based on a land lease, not subdivisions or strata. This implies that the Waratah Wynyard council will not receive rates from the individual houses, but rates based on the land. If that is the case, then there is no benefit to the council and tax payers. We would very much like an explanation regarding the financial benefits to the municipality.</p>	<p>Clause 8.10 of the Planning Scheme sets out the matters which Council must have regard to when determining applications. This includes the content of any representations received, but only insofar as the content relates to the particular discretions being exercised.</p> <p>The proposal is a multiple dwelling development in the General Residential zone. Clause 10.4.1 of the Planning Scheme sets out the density requirements for multiple dwellings - a site area per dwelling of not less than 325m². This is determined by the area of the site (excluding any access strip) divided by the number of dwellings.</p> <p>The proposal is for 216 units on approximately 11.55ha (excluding entrance to the site) equating to a density of 534m². As the acceptable solution is met, the density of the proposal is not something to which Council can give regard to, as it is not discretionary.</p> <p>The acceptable solution is also met for Clauses 10.4.3 Site coverage and private open space for all dwellings and 10.4.4 Sunlight to private open space of multiple dwellings.</p> <p>Impact on Council rates is not a consideration under the Planning Scheme and none of the discretions triggered by the application require consideration of whether the proposal will benefit the community as a whole. Council cannot validly consider matters outside those it is directed to consider by the Planning Scheme.</p> <p>The Valuer General is the government officer responsible for establishing and maintaining the Statutory Valuation program including a Valuation Roll for each municipal area under the <i>Valuation of Land Act 2001</i>. The valuation of a property for rates purposes is not determined by Council.</p>
<p>Project viability (Representation 2, 7)</p> <p>It is a concern that the intended Australian lifestyle village developer, Lincoln Place, has withdrawn its support entirely from the project</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,</p>

<p>and no doubt has done so due concerns on the viability of the development.</p> <p>What provisions are there for maintaining a development of this type? What will happen if the development is unable to be sustainable and does not continue to be maintained properly? There does not seem to be any contingencies in place for such an occurrence.</p> <p>There is no precedent for a development of this type in the Waratah Wynyard Municipality and one wonders where the market research has been conducted to validate such a development.</p>	<p>but only insofar as the content relates to the particular discretions being exercised.</p> <p>The financial viability of the development is not a relevant consideration under the Planning Scheme and is a matter for the relevant landowner/developer. It cannot be validly taken into account by Council acting as a planning authority when assessing this application.</p>
<p>Impact on 191 Old Bass Highway (Representation 2)</p> <p>Objection to colour and height 1.8m fence on western boundary due to impact on sunlight, view and outlook from our kitchen, dining and living rooms.</p> <p>Objection to proximity of pathway to 191 Old Bass Highway and impact on privacy and increased noise.</p> <p>Any future landscaping along the western boundary of 191 Old Bass Highway more than 1.2m high has the potential to affect access to sunlight as well as view and outlook from the dwelling.</p> <p>The proposal does not include any provisions to protect adjoining properties from dust during the construction phase which may pose a health risk.</p>	<p>Fencing between private properties is primarily dealt with under the <i>Boundary Fences Act 1908</i> and is a civil issue between the respective landowners. No planning approval is required for fencing on side boundaries provided it does not exceed 2.1m in height.</p> <p>There are no planning restrictions on the height of vegetation under the Planning Scheme and no planning approval is required for basic gardening including landscaping and vegetation management on private land.</p> <p>The proximity of the pathway to 191 Old Bass Highway does not trigger any discretions under the Planning Scheme.</p> <p>The site is zoned General Residential and the standard restrictions for noise in an urban area apply to activities on the site.</p> <p>Potential issues associated with vibration, noise and dust during construction fall under the jurisdiction of the Building Surveyor supervising the construction process.</p>
<p>Land use conflict, fencing & privacy for 237 Old Bass Highway (Representation 6)</p> <p>Whether existing activities including keeping of animals, use of machinery and undertaking of agricultural activities at 237 Old Bass Highway will be curtailed by the proposal. Animals may get agitated at all hours of day and night and could be deemed as a noise nuisance to residential property owners of close proximity. Agricultural activities are also conducted during the day and night. The developer should be aware of noises expected in a rural zoned setting.</p>	<p>As shown above in Figure 1, the subject site is zoned General Residential and 237 Old Bass Highway is zoned Rural Living. The purpose of the Rural Living zone is to provide for compatible use and development that does not adversely impact on residential amenity. Permissible Resource Development use in this zone is limited to activities which are compatible with residential use, such as grazing, beekeeping and crop raising. Uses such as intensive animal husbandry are prohibited.</p> <p>However, any existing use rights under s12 LUPAA will remain unchanged by the proposal.</p>

<p>Despite a written undertaking from a Seabrook Estate representative in 2013 no access is provided for 237 Old Bass Highway or the adjacent land in the same ownership to Old Bass Highway via the subject site.</p> <p>There was also a written undertaking in 2013 that all fencing requirements would be at the developers cost and will be of an agreed construction of uniform build for the entire length of the North-South bordering fence line. The owners of 237 Old Bass Highway will not participate in any financial requests now or in the future as there is sufficient rural fence in place.</p> <p>Written confirmation is requested from the developer and or evidence to support that no CCTV cameras will be positioned in any way as to pan across our property or to be placed in any position that may impede on our privacy within the boundaries of our own property at any point.</p> <p>All Construction or earth moving must take place within the developer's title and will not be permitted on our properties at any stage unless by written correspondence and subsequent approval by relevant landowners.</p>	<p>The contents of any private agreements between parties are not relevant considerations for Council as a Planning Authority. Fencing, including what is a 'sufficient fence' and who is responsible for costs, is primarily dealt with under the <i>Boundary Fences Act 1908</i> and is a civil issue between the respective landowners. No planning approval is required for fencing on side boundaries provided it does not exceed 2.1m in height.</p> <p>The placement of surveillance cameras on private property is not a relevant issue for Council as a Planning Authority. Any concerns should be raised directly with the owner of the neighbouring property in the first instance or directed to local Tasmanian Police.</p> <p>Potential issues associated with vibration during construction fall under the jurisdiction of the Building Surveyor supervising the construction process.</p>
<p>Status of CT 153202/500 (Representations 1, 5)</p> <p>187 Old Bass Highway has been utilising the folio 500 part of the proposed development land as road access for many years on the understanding that the LGA subdivision road on folio 500 was a public right of way. Easements in favour of 187 Old Bass Highway were removed from the land approximately 8 years ago on this basis.</p> <p>The application fails to address the fact that the land is being used as a road by adjacent landholders and does not offer a suitable alternative access to Old Bass Hwy.</p> <p>When 191 Old Bass Highway was purchased there was an understanding that the crown land and section of the subject site adjoining 191 Old Bass Highway was dedicated for road access and would not have structures built on it.</p>	<p>The development consists of 216 separate dwellings, accessed from a shared internal driveway off the Old Bass Highway.</p> <p>The private driveway runs through two properties owned by Seabrook Estate Pty Ltd. One of these is CT 153202/500. This is a privately owned road which does not form part of Council's asset register. It is not considered a public road by Council and there is no registered easement or right of way in favour of adjoining land over this area shown on the title documents for CT 153202/500.</p>
<p>Safety of residents & pedestrians (Representation 8)</p> <p>The application does not include provision of a footpath outside the property for residents</p>	<p>The planned coastal pathway is located to the north of the site and will provide pedestrian access into Wynyard. Council's Engineering Department can consider requests for a</p>

<p>wanting to leave the compound on foot. For the wellbeing of residents and the facilitation of an active lifestyle there should be serious considerations for the construction of footpaths and pedestrian crossing.</p> <p>The proposed development is surrounded by high fences and has an entrance/exit towards the Old Bass Highway. The proposed road into the compound would be only 8 meters wide. While there is an emergency management plan, it appears that one small road for a compound of the proposed size is unsafe, given that residents will be elderly and might have mobility issues.</p>	<p>pedestrian crossing in the area if a need is demonstrated for it in future.</p> <p>Emergency management plans and building in bushfire prone areas are considered at the building and plumbing stage.</p>
<p>Setback from Highway and Railway line (Representation 8)</p> <p>Council Building Rules set out 50m setback from railway lines and major roads. Both are not achieved within the development proposal. There is no reason given why the development is less than 50 m from Bass Hwy and Railway line. Given as an excuse that existing houses also don't meet this rule is not a consideration since it applies to residential homes, that are more than 30 years old. We would like an explanation why the setback rule is violated.</p>	<p>All dwellings on the site comply with the minimum permitted setback of 50m from the defunct railway to the north.</p> <p>Dwellings on sites marked 20 to 45, 143 to 149 and 208 to 218 will not be able to comply with the 50m setback from the Bass Highway required by Table 10.4.2. Council has discretion to reduce the 50m setback upon application, provided the proposal satisfies the corresponding performance criteria.</p> <p>Clauses 10.4.2 P1 and 10.4.12 P1/P2 of the Planning Assessment consider the setback from the Bass Highway.</p>

INTERNAL REFERRALS

Engineering Services Department

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

1. Stormwater from the development is to be connected and discharged into Council's stormwater drainage network in accordance with the *Urban Drainage Act 2013*.
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. Construction of civil engineering work associated with the Development is to comply with the requirements of Council's Policy PR003– Standard requirements for the construction of new infrastructure assets and the replacement of existing infrastructure assets.
4. Relevant engineering plans, specifications, calculations and computations are to be certified by a Chartered Professional Engineer in the relevant field and submitted to the Director Infrastructure & Development Services or their delegate or their delegate for approval. No work is to commence until a Construction Certificate has been issued by the Director Infrastructure & Development Services or their delegate.

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5. On completion of work covered by a Construction Certificate a Chartered Professional Engineer in the relevant field is to certify by declaration that all work has been carried out fully in accordance with the approved plans, specifications, calculations and computations. "Works as Constructed" drawings that comply with the requirements of Council's "Submission of digital-as-constructed information" template are to be supplied.
 6. In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
 7. A twelve (12) month maintenance period is to apply to all works within the development which are to become Council infrastructure. A maintenance bond of 5% of the cost of the civil works as approved by the Director Infrastructure & Development Services or their delegate is to be lodged with Council prior to:
 - (a) the issue of the Maintenance Period Commencement document; or
 - (b) prior to the sealing of the Final Survey Plan.
 8. A sealed driveway of sufficient width to accommodate 2 way access into the development site is to be constructed from the edge of the bitumen surfaced pavement of the public road to the property boundary in accordance with Tasmanian Standard Drawing TSD-R03-v3, Rural Roads Typical Property Access & TSD-R04-v3, Rural Roads Typical Driveway Profile and the conditions in a "Activity in Road Reservation Permit".
 9. Off-street vehicle parking spaces and associated driveways and turning areas are to be designed in accordance with AS 2890.1 and be approved by the Director Infrastructure & Development Services.
 10. Loading and un-loading of vehicles is to be confined to within the boundaries of the property.
 11. Off street car parking and hardstand areas are to be surfaced in an all-weather material such as concrete, asphalt or bitumen spray seal. All stormwater runoff from the car parking and hardstand areas is to be collected onsite and directed to a stormwater system designed to cater for a 5% AEP rainfall event and discharged to a legal point of discharge to the reasonable requirements of the Director Infrastructure & Development Services or their delegate.
 12. A suitably sized stormwater connection point including an accessible inspection opening at ground level is to be constructed at the lowest point of the lot to permit connection to Council's stormwater drainage reticulation network. The connection point is to be inspected and approved by the Director Infrastructure & Development Services before backfilling.
 13. A stormwater reticulation network to safely drain the development is to be designed and constructed in accordance with the Australian Rainfall and Runoff guidelines 2019, Councils Stormwater System Management Plan and approved construction issue drawings. Lot connections are to be designed using 10% AEP rainfall ensemble. A piped network to wholly contain and discharge overland flow and stormwater from each lot is to be designed to a 5% AEP rainfall ensemble. A combination of clearly designated overland flow paths and piped network is to safely contain and discharge a 1% AEP rainfall ensemble. Detailed engineering design, including a report on all parameters and

assumptions of the design is to be submitted to Council for approval prior to the issue of drawings for construction.

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

Notes: 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 10 September 2021. A response was received on 24 February 2023 and forms Part B of the permit conditions.

The application was referred to the Department of State Growth (DSG) on 16 February 2023. The date at which a response was required was 2 March 2023 and no response was received. It is therefore assumed that DSG does not have any comments or conditions regarding the proposal.

No other external referrals were required.

PLANNING ASSESSMENT

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

The application also includes provision of infrastructure across land zoned Environmental Management, a Utilities use, as well as provision of access across land zoned Rural Resource, as Residential use.

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 General Residential zone, Rural Resource zone and relevant codes is provided below.

10.0 General Residential zone

10.4.2 Setbacks and building envelopes for all dwellings

A1 Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not	P1 A dwelling must: (a) have a setback from a frontage that is compatible with the streetscape, having
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<p>more than 0.9m into the frontage setback, must have a setback from a frontage that is:</p> <ul style="list-style-type: none"> (a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; (b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; (c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; (d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level; or (e) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road. 	<p>regard to any topographical constraints; and</p> <ul style="list-style-type: none"> (b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise, or any other detrimental impacts associated with proximity to the road.
<p>Proposal: Complies</p> <p>The subject site has frontage onto the Bass Highway as well as access onto Old Bass Highway. The proposed dwellings are at least 90m from the boundary to Old Bass Highway, however dwellings on sites marked 20 to 45, 143 to 149 and 208 to 218 will not be able to comply with the 50m setback from the Bass Highway required by Table 10.4.2. Assessment against P1 is therefore required in relation to dwellings on these sites.</p> <p>Wynyard township is bordered by the coastline to the north and the Bass Highway to the south. Within the vicinity of the subject site, properties at 237, 239, 241 and 243 Old Bass Highway all contain dwellings built within 50m of the Bass Highway, with setbacks varying from 7m to 37m.</p> <p>To mitigate issues associated with traffic noise from the Bass Highway, a 2.4m high acoustic fence is to be constructed along the southern boundary of the subject site. The fence will be supplemented by screening vegetation to assist with mitigating the visual impact of the highway. As a result of these measures, dwellings will be at least 8m from the boundary to the Bass Highway.</p> <p>The proposal satisfies P1 for this Standard.</p>	
<p>A3</p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than</p>	<p>P3</p> <p>The siting and scale of a dwelling must:</p> <ul style="list-style-type: none"> (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:

<p>0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures 10.1, 10.2 and 10.3) determined by:</p> <p>a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</p> <p>projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</p> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <p>does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>	<p>reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</p> <p>overshadowing the private open space of a dwelling on an adjoining property;</p> <p>) overshadowing of an adjoining vacant property; or</p> <p>) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</p> <p>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</p> <p>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</p> <p>an adjoining property; or</p> <p>another dwelling on the same site</p>
<p>Proposal: Complies</p> <p>Setbacks for dwellings from the Old Bass Highway, side boundaries and the rear boundaries of lots with adjoining frontages (187 and 191 Old Bass Highway) comply with the acceptable solution. Overshadowing or visual impact on lots to the north, east or west is therefore not a consideration.</p> <p>Assessment against P3 is required as dwellings on sites marked 20 to 45, 143 to 149 and 208 to 218 will not be able to comply with the 50m setback from the Bass Highway required by Table 10.4.2.</p> <p>The proposed dwellings will be at least 20m from dwellings on adjoining properties which is consistent with the separation between dwellings in the Doctors Rocks area.</p> <p>None of the proposed units include solar installations and the separation between units is compliant with the Scheme.</p> <p>The proposal satisfies P3 for this Standard.</p>	

10.4.7 Frontage fences for all dwellings

<p>A1 No Acceptable Solution.</p>	<p>P1 A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:</p> <p>(a) provide for security and privacy while allowing for passive surveillance of the road; and</p> <p>(b) be compatible with the height and transparency of fences in the street, having regard to:</p> <p>the topography of the site; and</p>
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	traffic volumes on the adjoining road.
<p>Proposal: Complies</p> <p>The subject site has frontage onto the Bass Highway as well as access onto Old Bass Highway. Fencing is proposed at the entrance to the site however this is more than 4.5m from Old Bass Highway and not subject to this Clause. A 2.4m high acoustic fence is proposed along the southern boundary on the Bass Highway and requires assessment against P1.</p> <p>The Bass Highway is a high speed arterial road managed by the Department of State Growth. The development will not have any direct access onto the Bass Highway, and this would be unlikely to be approved in the future due to access restrictions. There are no stopping areas on the section of Bass Highway adjacent to the site and minimal, if any, need for passive surveillance of the site from the State road.</p> <p>There is no consistency with fencing along this section of the Bass Highway, varying from post and wire paddock fencing to Colorbond residential fences. Installation of acoustic fencing is common for newer residential development adjacent to main roads or highways due to the need to mitigate issues associated with traffic noise from the Bass Highway.</p> <p>The height and nature of acoustic fencing is reasonable given the traffic volume of the Bass Highway. The existing line of trees in the highway corridor will assist with screening the fence however it is noted that pedestrian activity is not encouraged in the highway corridor and the section of highway adjacent to the site is not a scenic route.</p> <p>The proposal satisfies P1 for this Standard.</p>	

10.4.9 Suitability of a site or lot for use or development

<p>A2</p> <p>A site or each lot on a subdivision plan must have a separate access from a road –</p> <ul style="list-style-type: none"> (a) across a frontage over which no other land has a right of access; and (b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or (c) by a right of way connecting to a road - <ul style="list-style-type: none"> (i) over land not required as the means of access to any other land; and (ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and (d) with a width of frontage and any access strip or right of way of not less than - <ul style="list-style-type: none"> (i) 3.6 m for a single dwelling development; or (ii) 6.0 m for multiple dwelling development or development for a non-residential use; and 	<p>P2</p> <ul style="list-style-type: none"> (a) A site must have a reasonable and secure access from a road provided – <ul style="list-style-type: none"> (i) across a frontage; or (ii) by an access strip connecting to a frontage, if for an internal lot; or (iii) by a right of way connecting to a road over land not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and (iv) the dimensions of the frontage and any access strip or right of way must be adequate for the type and volume of traffic likely to be generated by – <ul style="list-style-type: none"> a. the intended use; and b. the existing or potential use of any other land which requires use of the access as the means of access for that land; and <p>the relevant road authority in accordance with the Local Government (Highways) Act</p>
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<p>(e) the relevant road authority in accordance with the Local Government (Highways) Act 1982 or the Roads and Jetties Act 1935 must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan</p>	<p>1982 or the Roads and Jetties Act 1935 must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a subdivision plan; or (b) It must be unnecessary for the development to require access to the site or to a lot on a subdivision plan</p>
<p>Proposal: Complies</p> <p>The subject site accesses Old Bass Highway via a private road and a crown land parcel. The crown land parcel, CT 151643/1, also provides access from Old Bass Highway to 187 and 191 Old Bass Highway. Assessment against P2 is therefore required.</p> <p>The Crown land parcel essentially functions as an extension of the Old Bass Highway road reserve. There is sufficient space for the subject site, 187 and 191 Old Bass Highway to have separate driveways over this reserve at appropriate intervals to meet sight distance requirements.</p> <p>The Traffic Impact Assessment (TIA) submitted with the application considered the suitability of the proposed access to Old Bass Highway for the development.</p> <p>Neither the TIA nor Council’s Engineering Department have any concerns regarding the suitability of the proposed access. The application has been conditioned to require construction of a Channelised Right Turn (CHR) opposite the entrance to the property which will create a distinct separate turn lane for traffic entering the subject site.</p> <p>It is considered that the proposed access over a Crown land parcel is reasonable and does not pose any safety issues.</p> <p>The proposal satisfies P2 for this Standard.</p>	

10.4.11.1 Location and configuration of development

<p>A4</p> <p>A garage, car port or external parking area and any area for the display, handling, or storage of goods, materials or waste, must be located behind the primary frontage of a building</p>	<p>P4</p> <p>A garage, carport or an external car parking area and any area for the display, handling, or storage of goods, materials or waste, must –</p> <ul style="list-style-type: none"> (a) be consistent with the streetscape; (b) be required by a constraint imposed by size, shape, slope, orientation, and topography on development of the site; and (c) provide durable physical screening to attenuate appearance of the parking or loading area from a frontage and adjacent land
<p>Proposal: Complies</p> <p>The application includes 5 visitor parking spaces in front of the gated entry which require assessment against P4 for this Standard.</p> <p>Due to the long access strip for the site, the area suitable for buildings is at least 100m from the road. The proposal is for a lifestyle village with a gated entry. Locating some of</p>	

the visitor spaces in front of the entry gate is an efficient use of the land and provides a suitable parking area for visitors or delivery vehicles which may otherwise attempt to park along Old Bass Highway.

The parking area is setback approximately 50m from the Old Bass Highway, behind the new pump station. Both the area immediately behind the pump station and around the sides of the visitor parking will be landscaped to further screen the area from the road. Fencing is proposed along either side of the access to screen the parking area from adjacent residential properties.

The proposal satisfies P4 for this Standard.

10.4.12 Setback of development for sensitive use

<p>A1 A building containing a sensitive use must be contained within a building envelope determined by –</p> <ul style="list-style-type: none"> (a) the setback distance from the zone boundary as shown in the Table to this clause; and (b) projecting upward and away from the zone boundary at an angle of 45° above the horizontal from a wall height of 3.0m at the required setback distance from the zone boundary 	<p>P1 The location of a building containing a sensitive use must –</p> <ul style="list-style-type: none"> (a) minimise likelihood for conflict, constraint or interference by the sensitive use on existing and potential use of land in the adjoining zone; and (b) minimise likely impact from existing and potential use of land in the adjoining zone on the amenity of the sensitive use
<p>Proposal: Complies</p> <p>The subject site has frontage onto the Bass Highway which is zoned Utilities and adjoins land zoned Rural Resource to the north-east. The permitted minimum setbacks for future dwellings on the lot of 10m from the Utilities zone and 50m from the Rural Resource zone cannot be complied with for all dwellings. Assessment against P1 is required.</p> <p>Wynyard township is bordered by the Bass Highway to the south. Within the vicinity of the subject site, properties at 237, 239, 241 and 243 Old Bass Highway all contain dwellings built within 50m of the Bass Highway, with setbacks varying from 7m to 37m.</p> <p>The Bass Highway is a high speed arterial road managed by the Department of State Growth. The development will not have any direct access onto the Bass Highway, and this would be unlikely to be approved in the future due to access restrictions.</p> <p>To mitigate issues associated with traffic noise from the Bass Highway, a 2.4m high acoustic fence is to be constructed along the southern boundary of the subject site. The fence will be supplemented by screening vegetation to assist with mitigating the visual impact of the highway. As a result of these measures, dwellings will be at least 8m from the boundary to the Bass Highway.</p> <p>Installation of acoustic fencing is common for newer residential development adjacent to main roads or highways due to the need to mitigate issues associated with traffic noise.</p> <p>The adjoining lots to the east and across Old Bass Highway to the north are Rural Resource zoned but are the size of typical residential lots and contain single dwellings with associated outbuildings. No agricultural activities are undertaken on these properties.</p> <p>The proposal satisfies P1 for this Standard.</p>	
<p>A2</p>	<p>P2 Development for a sensitive use must –</p>

<p>Development for a sensitive use must be not less than 50m from –</p> <ul style="list-style-type: none"> (a) a major road identified in the Table to this clause; (b) a railway; (c) land designated in the planning scheme for future road or rail purposes; or (d) a proclaimed wharf area 	<ul style="list-style-type: none"> (a) have minimal impact for safety and efficient operation of the transport infrastructure; and (b) incorporate appropriate measures to mitigate likely impact of light, noise, odour, particulate, radiation or vibration emissions; or (c) be temporary use or development for which arrangements have been made with the relevant transport infrastructure entity for removal without compensation within 3 years
<p>Proposal: Complies</p> <p>The subject site has frontage onto the Bass Highway. The proposed dwellings on sites marked 20 to 45, 143 to 149 and 208 to 218 will not be able to comply with the 50m setback from the Bass Highway required by Table 10.4.2. Assessment against P2 is therefore required in relation to dwellings on these sites.</p> <p>Wynyard township is bordered by the Bass Highway to the south. Within the vicinity of the subject site, properties at 237, 239, 241 and 243 Old Bass Highway all contain dwellings built within 50m of the Bass Highway, with setbacks varying from 7m to 37m.</p> <p>To mitigate issues associated with traffic noise from the Bass Highway, a 2.4m high acoustic fence is to be constructed along the southern boundary of the subject site. The fence will be supplemented by screening vegetation to assist with mitigating the visual impact of the highway. As a result of these measures, dwellings will be at least 8m from the boundary to the Bass Highway.</p> <p>The Bass Highway is a high speed arterial road managed by the Department of State Growth. The development will not have any direct access onto the Bass Highway, and this would be unlikely to be approved in the future due to safety concerns.</p> <p>Installation of acoustic fencing is common for newer residential development adjacent to main roads or highways due to the need to mitigate issues associated with traffic noise from the Bass Highway.</p> <p>There are no stopping areas on the section of Bass Highway adjacent to the site and pedestrian activity is not encouraged in the highway corridor. The height and nature of acoustic fencing is reasonable given the traffic volume of the Bass Highway. The existing line of trees in the highway corridor will assist with screening the fence and the section of highway adjacent to the site is not a scenic route.</p> <p>The proposal satisfies P2 for this Standard.</p>	

29.0 Environmental Management zone

The expansion of TasWater’s sewer serviced area requires works within 30m of Seabrook Creek and on Environmental Management zoned land which are not exempt under Clause 5.2.7 of the Scheme. As these works will be taken over by TasWater upon completion to form part of the public sewer network they are considered ‘Utilities’ use. Utilities use is permitted in the Environmental Management zone provided the development meets the definition of minor utilities.

The Planning Scheme defines minor utilities as use of land for utilities for local distribution or reticulation of services and associated infrastructure. The proposed works fit within this definition are therefore permitted use.

The proposed sewer infrastructure is not considered a building or structure and do not form part of the development area. No discretions under either use or development standards are triggered by the proposal.

E9 Traffic Generating Use and Parking Code

E9.5.1 Provision for parking

<p>A1 Provision for parking must be – the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code</p>	<p>P1 (a) It must be unnecessary or unreasonable to require arrangements for the provision of vehicle parking; or (b) Adequate and appropriate provision must be made for vehicle parking to meet – (i) anticipated requirement for the type, scale, and intensity of the use; (ii) likely needs and requirements of site users; and (iii) likely type, number, frequency, and duration of vehicle parking demand</p>
<p>Planning Comments: Complies</p> <p>The proposal is for a multiple dwelling development with 216 dwellings. According to Table E9.1, two parking spaces are required per dwelling with an additional visitor space for every 3 dwellings if an internal lot. The subject site is an internal lot and the total number of spaces required is therefore 504 parking spaces (432 for the dwellings and 72 visitor spaces).</p> <p>The application meets the requirements of two spaces per dwelling but only provides 39 visitor spaces and therefore requires assessment against P1 for this Standard.</p> <p>For visitors to individual residents, house types 1 and 3 have been designed with sufficient space to park a single vehicle in front of the dedicated covered parking spaces for the dwelling on each site. Given the demographic of residents and number of two bedroom dwellings it is likely that a number of the sites may only have one car.</p> <p>The proposal is for an over 55's lifestyle village consisting of two or three bedroom dwellings. There is sufficient covered parking for the dwellings to meet the minimum 2 parking space requirement.</p> <p>Visitors are transitory by nature and do not stay for extended periods. A total of 39 visitor spaces have been located across the site - on either side of the BBQ areas, adjacent to the clubhouse precinct and in front of the gate. These spaces are sufficient to meet the needs of visitors such as delivery or service people and persons attending for occasional celebrations/gatherings. The management of the site requires pre-authorisation for these events and notification for visitors in general and minimises the competition for these dedicated visitor parking areas.</p> <p>The clubhouse precinct is also central to the site and there are pathways throughout the property to facilitate access to this area. The spaces in front of the clubhouse are most</p>	

likely to be used by visitors to the site. Visitors are transitory by nature and do not stay for extended periods.

It is considered that number of parking spaces proposed is sufficient to meet the requirements of the proposed development.

The proposal satisfies P1 for this Standard.

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

<p>A1 There is no acceptable solution</p>	<p>P1 Development must – (a) minimise risk to the function and values of a water body watercourse or wetland, including for – hydraulic performance; economic value;) water based activity;) disturbance and change in natural ground level; control of sediment and contaminants;) public access and use; i) aesthetic or scenic quality; ii) water quality management arrangements for stormwater and sewage disposal;) modification of a natural drainage channel; biodiversity and ecological function;) level of likely risk from exposure to natural hazards of flooding and inundation; and) community risk and public safety; and (b) be consistent with any advice or decision of a relevant entity administering or enforcing compliance with an applicable protection and conservation regulation for – impact of the development on the objectives and outcomes for protection of the water body, watercourse or wetland; and any condition or requirement for protection of the water body, water course or wetland</p>
<p>Planning Comments: Complies</p> <p>The only portion of the site requiring assessment against the Water and Waterways Code is the area within 30m of the small artificial drain on the western side of the lot. Expansion of TasWater’s sewer mains also requires assessment under this code where it is within 30m of the creek. Assessment against the Performance Criteria for this Clause is required. The artificial drain is on private land. Issues relating to aesthetic quality, economic value, public access and use, and water based activities are largely irrelevant for this drain. The expansion of TasWater’s public sewer network involves the installation of appropriately</p>	

sized main across Seabrook Creek. This will be either underground or in close proximity to the existing water main where it crosses over the bridge and is unlikely to affect the scenic quality of the creek. Public access and use and water based activities will be similarly unaffected, other than when the infrastructure is being installed. NRE Tas and Crown land have consented to the installation of a TasWater sewer main across their land.

The proposal does not involve drawing on the creek as a water supply for domestic or fire-fighting purposes. The works requiring assessment under this code will not affect existing levels of risk regarding flooding as the sewer main will go over the creek along the bridge and the artificial drain on the site is only a minor tributary.

All concentrated stormwater from the site will be directed into a Council managed stormwater system. This requires the developer to extend the current stormwater network, however as this infrastructure will be a Council asset it is exempt under Clause 5.2.2 of the Scheme and does not need to be assessed against this Code. The works subject to this Code do not require modification of a natural drainage channel.

The following note will be included on any permit issued:

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*.

The LISTmap does not identify any threatened flora or fauna on the site and the proposal did not require referral to an external agency regarding compliance with protection and conservation regulation.

Wetland areas are mapped on the LIST Hydrographic Area which depicts all waterbody and associated polygon features in the hydrographic theme including lakes, estuaries, dams, mudflats, swamps and coastal flats. It contains attributes that allow area features to be delivered in separate layers and with attributes. The data set is held as regions which allow area features to overlap.

As of the time the application became valid and was able to be assessed by Council, there are no wetland areas mapped on the site. TASVEG 4.0 also identifies the site as being modified agricultural land.

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

STATUTORY IMPLICATIONS

Land Use Planning and Approvals Act 1993

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

In accordance with section 57 of this Act and Council's Planning Scheme, this proposal is an application for a discretionary permit. Council may approve or refuse discretionary permit applications after considering both Council's Planning Scheme and the public representations received. It is noted that eight (8) representations were received during the exhibition period.

STRATEGIC IMPLICATIONS

There are no statutory 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 development complies with either the acceptable solution or satisfies the performance criteria for all applicable standards of the Planning Scheme. The proposal makes efficient use of a large internal residential lot and appropriately manages the proximity to the Bass Highway and servicing requirements. Each of the proposed dwelling sites meet required setback from boundaries and have sufficient private open space and access to sunlight. The configuration of the internal driveway, parking spaces and access is considered to be suitable for the anticipated traffic volume generated by the development.

The application is considered to comply with the General Residential Zone provisions for the *Waratah-Wynyard Interim Planning Scheme 2013* and relevant Codes. It is therefore recommended that Council approve a planning permit for the proposed lifestyle village (216 dwellings, clubhouse precinct, utility shed, vehicle parking, acoustic fencing and associated infrastructure).

MOVED BY	CR HYLAND
SECONDED BY	CR BRAMICH

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 Lifestyle village (216 dwellings, clubhouse precinct, utility shed, vehicle parking, acoustic fencing and associated infrastructure) at Old Bass Highway, Wynyard subject to the following conditions: -

PART A CONDITIONS:

1. The development is to be generally in accordance with the application as submitted and endorsed documents as listed:
 - a. Proposal plans with Job Number 311 and Drawing Numbers SK01 Issue 15, SK02 Issue 10, SK03 Issue 8, SK04 Issue 5, SK11 to SK18 Issue 3, SK22 to 24 Issue 3, SK31 to SK34 Issue 3, SK21 Issue 4, SK25 and SK41 Issue 2 as prepared by Manns & Troup Architects and dated 12 October 2022.
 - b. Traffic Impact Assessment as prepared by Chris Martin of CSE Tasmania Pty Ltd and dated 22 December 20221.
2. An acoustic fence with a height of 2.4m is to be installed along the boundary adjoining the Bass Highway.
3. A dense vegetation buffer with a minimum width of 8m is to be established along the southern boundary of the property adjacent to the acoustic fence. This buffer is to consist of a minimum of two rows of staggered plantings of native species with each plant a maximum of 2.5m apart. Species chosen must provide a vegetation buffer with a mature height of 2.0m
4. Stormwater from the development is to be connected and discharged into Council's stormwater drainage network in accordance with the *Urban Drainage Act 2013*.
5. 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.
6. Construction of civil engineering work associated with the Development is to comply with the requirements of Council's Policy PR003– Standard requirements for the construction of new infrastructure assets and the replacement of existing infrastructure assets.
7. Relevant engineering plans, specifications, calculations and computations are to be certified by a Chartered Professional Engineer in the relevant field and submitted to the Director Infrastructure & Development Services or their delegate or their delegate for approval. No work is to commence until a Construction Certificate has been issued by the Director Infrastructure & Development Services or their delegate.
8. On completion of work covered by a Construction Certificate a Chartered Professional Engineer in the relevant field is to certify by declaration that all work has been carried out fully in accordance with the approved plans, specifications, calculations and computations. "Works as Constructed" drawings that comply with the requirements

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- of Council's "Submission of digital-as-constructed information" template are to be supplied.
9. In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
 10. A twelve (12) month maintenance period is to apply to all works within the development which are to become Council infrastructure. A maintenance bond of 5% of the cost of the civil works as approved by the Director Infrastructure & Development Services or their delegate is to be lodged with Council prior to:
 - a. the issue of the Maintenance Period Commencement document; or
 - b. prior to the sealing of the Final Survey Plan.
 11. A sealed driveway of sufficient width to accommodate 2-way access into the development site is to be constructed from the edge of the bitumen surfaced pavement of the public road to the property boundary in accordance with Tasmanian Standard Drawing TSD-R03-v3, Rural Roads Typical Property Access and TSD-R04-v3, Rural Roads Typical Driveway Profile and the conditions in a "Activity in Road Reservation Permit".
 12. Off-street vehicle parking spaces and associated driveways and turning areas are to be designed in accordance with AS 2890.1 and be approved by the Director Infrastructure & Development Services.
 13. Loading and un-loading of vehicles is to be confined to within the boundaries of the property.
 14. Off street car parking and hardstand areas are to be surfaced in an all-weather material such as concrete, asphalt or bitumen spray seal. All stormwater runoff from the car parking and hardstand areas is to be collected onsite and directed to a stormwater system designed to cater for a 5% AEP rainfall event and discharged to a legal point of discharge to the reasonable requirements of the Director Infrastructure & Development Services or their delegate.
 15. A suitably sized stormwater connection point including an accessible inspection opening at ground level is to be constructed at the lowest point of the lot to permit connection to Council's stormwater drainage reticulation network. The connection point is to be inspected and approved by the Director Infrastructure & Development Services before backfilling.
 16. A stormwater reticulation network to safely drain the development is to be designed and constructed in accordance with the Australian Rainfall and Runoff guidelines 2019, Council's Stormwater System Management Plan and approved construction issue drawings. Lot connections are to be designed using 10% AEP rainfall ensemble. A piped network to wholly contain and discharge overland flow and stormwater from each lot is to be designed to a 5% AEP rainfall ensemble. A combination of clearly designated overland flow paths and piped network is to safely contain and discharge a 1% AEP rainfall ensemble. Detailed engineering design, including a report on all parameters and assumptions of the design is to be submitted to Council for approval prior to the issue of drawings for construction.
 17. No signage is approved as part of this application.

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

PART B CONDITIONS

1. The person responsible for the activity must comply with the conditions contained in Schedule 2 of Permit Part B which the Regulated Entity (trading as TasWater) has required the planning authority to include in the permit, pursuant to section 56Q of the Water and Sewerage Industry Act 2008, reference TWDA 2021/01536-WWC (attached).

Notes: -

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

- An “Activity in Road Reservation” permit must be obtained from Council for all activity within the Road Reservation.
- 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 171/2021. Any variation requires an application for further planning approval of Council.
- This development/use is not to result in the generation of environmental harm or nuisance as defined in the *Environmental Management and Pollution Control Act 1994*.
- Attention is drawn to existing or proposed electricity infrastructure, please be sure to contact TasNetworks on 1300 137 008 to ensure these works do not impede on existing electricity easements and are at a safe distance from powerlines. Failure to do so could result in the relocation of electricity assets at your cost.
- Under Section 61 (4) of the Land Use Planning and Approvals Act 1993, the applicant has the right to lodge an appeal against Council’s decision. Notice of appeal should be lodged on the prescribed form together with the required fee within fourteen days after the date on which notice of the decision was served on that person, to the Tasmanian Civil & Administrative Tribunal (TASCAT), G.P.O. Box 2036, Hobart, 7001 (mailto:resourceplanning@tascat.tas.gov.au). Updated Notices of Appeal are available on the Tribunal’s website at <https://www.tascat.tas.gov>.

The MOTION was put and was CARRIED.

IN FAVOUR

CR BRAMICH	CR COURTNEY	MAYOR DUNIAM	
CR HYLAND	CR ROBERTS	CR JOHNSTONE	

6.6 UPGRADE OF SPORTS FIELD, INSTALLATION OF TRAINING LIGHTS AND OUTBUILDING DEMOLITION LOCATED AT 30 CHURCH STREET, WYNYARD - DA 51/2023

To: Council
Reporting Officer: Graduate Town Planner
Responsible Officer: Manager Development and Regulatory Services
Report Date: 22 March 2023
File Reference: 2007476
Supporting Documents: 1. Consolidated advertised documents 
2. Representation 

PURPOSE

The purpose of this report is for Council to consider the merits of the application DA 51/2023 against the requirements of the Tasmanian Planning Scheme - Waratah-Wynyard.

BACKGROUND

The subject site is located at 30 Church Street, Wynyard and has an area of 11.98ha. It is located within the Community Purpose zone and has access onto West Jenner Street to the south, Austin Street to the east, and Cotton Street to the west. The site contains the Wynyard High School with a total floor area of approximately 3,329m², which is mostly contained to the western portion of the title.

The site adjoins the General Residential zone to the east south and west, with Community purpose zone continuing to the north. 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 an upgrade of a sports field, installation of training lights and demolition of an outbuilding. The developments are part of the focus area of the Wynyard Sports Precinct Master Plan that was prepared by Waratah-Wynyard Council to provide greater capacity for community sport within the town of Wynyard and improve youth access to a contemporary sports field.

The scope of work includes the removal of trees, footpath and a building containing a toilet and change room. Improvements include realigning an existing football oval, identified as Oval 3 in the Wynyard Sports Precinct Master Plan, and the installation of a new cricket pitch and training lights.

The proposed light towers will have a maximum height of 30m each and will be installed to the north, east, south and west of the Oval 3. The size of Oval 3 is approximately 150m x 120m.

The new playing surface location is to be setback 10.735m from the eastern boundary that adjoins C3 Church Wynyard, 10.82 from the northern boundary that adjoins Wynyard Cemetery and more than 100m from the southern and western side boundaries.

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

The subject property is zoned Community Purpose under the Planning Scheme. The proposal is defined as an Educational and Occasional Care 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:

- 27.4.1 Building Height (P1); and
- 27.4.2 Setback (P2).

CONSULTATION PROCESS

The consultation process was the public exhibition period set out in the *Land Use Planning and Approval 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
- Crown Consent x 1
- Instrument of Delegation x 2 Pages
- Proposal Plans x 33 Pages

The period for representations closed on 15 March 2023. One (1) representation was subsequently received. A map demonstrating the relationship between the subject site and the representator's property in Figure 2.



Figure 2. Relationship between the subject site and the representor’s property

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

Representor – Ps Geoff Cooper - C3 Church Wynyard

Issues raised	Response:
<p>Lack of car parking close to the new proposed football / cricket oval</p> <ul style="list-style-type: none"> ➤ Due to the positioning of the oval close to our boundary fence, we believe people will park in the C3 car park and jump the fence to access the oval. This has happened in the past with High School Soccer games. This has resulted in damage to fence posts and the wire fence. ➤ Subsequent to this we are concerned people will park on the grass adjacent to the fence to view games or training. This will result in damage to the grassed area especially during winter. Again, this has happened 	<p>Clause 6.10 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 matters raised in the representation are relevant to the particular discretion being exercised.</p> <p>Based on the TPS – Waratah-Wynyard for the Parking and Sustainable Transport Code (C2.0), an Educational and Occasional Care Use requires a minimum of 1 car space per employee plus 1 space per 6 tertiary education students (Table C2.1). The proposal will not provide the ability to increase the number of staff or students at the</p>

<p>during soccer season, and we have had to ask people not to park on the grass. Soccer games only happened once a fortnight, what council is proposing is 4 nights every week. It is our belief people will not park over at the High School entrance as this is further to walk.</p> <p>➤ We note in earlier plans council had a carpark in the green space corridor on the Southern boundary of our property. This would allow closer access to the proposed oval. Should council wish to utilize the C3Carpark we would need to discuss an agreement on maintenance due to increased traffic expected. We would also need to discuss how to prevent people parking on the grass area closer to the proposed oval.</p>	<p>high school. Therefore, the proposal complies with the Acceptable Solution.</p> <p>However, in considering these issues as Council, and not a planning authority, the following information can be provided.</p> <ul style="list-style-type: none"> • There will be additional car parking spaces in the vicinity of the Oval 3, which are planned to be implemented around 2023 or 2024. It is in accordance with the Wynyard Sports Precinct Master Plan. The additional car parks would be up to 160 spaces. • This proposal will be made under a separate planning application. • Council, as a proponent of this development, will advise the Cricket and football clubs (and any other users) to avoid using the C3 Church car space area. • If necessary, Council will supply and install an appropriate “no-parking” sign at the church carpark entry to advise users.
<p>Lack of appropriate fencing to prevent footballs or cricket balls coming over the current fence</p> <p>➤ Due to the repositioning of the proposed oval, we believe there is a high probability of an increased number of footballs and cricket balls coming over the current fence. This will result in people climbing the fence to retrieve the balls and this action will result in damage to the current fence. This has happened in the past with Soccer games. However, the frequency of this occurring has the potential to be far greater due to the massive increase in usage of the proposed oval.</p> <p>We believe the council must consider an appropriate fence close to the current fence to restrict footballs and cricket balls from coming over on to the C3 Church property. This would prevent damage to the current fence.</p>	<p>Clause 6.10 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 matters raised in the representation are relevant to the particular discretion being exercised.</p> <p>There is no requirement under the planning standards for the installation of fencing for the related proposed use or development.</p> <p>However, in considering these issues as Council, and not a planning authority, the following information can be provided.</p> <ul style="list-style-type: none"> • Council has committed to upgrade the existing fences by installing new posts and top wire (or timber). • Installing a lockable gate in the fence between school and C3 Wynyard Church to provide access to and from the oval to retrieve balls.

INTERNAL REFERRALS

Engineering Services Department

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

- (1) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.
- (2) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
- (3) Loading and un-loading of vehicles is to be confined to within the boundaries of the property.
- (4) Cut, cap and protect underground services during the demolition stage of the building.

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) 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:

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

EXTERNAL REFERRALS

The application was referred to TasWater on 28 February 2023. A response was received on 3 March 2023, advising TasWater had no interest in the proposal.

The proposal did not require any other external referrals.

PLANNING ASSESSMENT

The subject site is zoned Community Purpose under the Tasmanian Planning Scheme (TPS) – Waratah Wynyard. The use is an Educational and Occasional Care which is a Permitted use within the Community Purpose zone, should the application meet all the relevant acceptable solutions of the planning scheme.

The proposal does not meet all acceptable solutions of the planning scheme and is therefore submitted as a discretionary application under Section 57 of LUPAA and assessed under the TPS – Waratah-Wynyard 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 Community Purpose Zone and relevant Codes is provided below.

27.0 Community Purpose Zone

27.4.1 Building Height (P1)

<p>A1</p> <p>Building height must be not more than 10m.</p>	<p>P1</p> <p>Building height must be compatible with the streetscape and character of development existing on established properties in the area, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the height, bulk and form of existing buildings on the site and adjacent properties; (c) the bulk and form of proposed buildings; (d) the apparent height when viewed from the road and public places; (e) any overshadowing of adjoining properties or public places; and (f) the need to locate the building on the site.
<p>Planning Comments: Complies</p> <p>The proposed light towers have a maximum height of 30m and therefore must be assessed against the Performance Criteria for this Standard.</p> <p>Based on the plan submitted with the application, the proposed light towers are a relatively thin structure with a maximum diameter of approximately 0.75m at the base and narrowing upwards.</p> <p>The light towers will be responsible for minimal overshadowing of any habitable structure on surrounding properties due to their narrow shape.</p> <p>Again, given the fact that the light towers are narrow structure, any bulk and visual impact from the proposed light towers will be minimal.</p> <p>The lights are required to facilitate training during the evenings, but will only be turned on when the oval is in use. Due to the amount of daylight hours, use in summer will be minimal, thus decreasing impacts on the surrounding area. Lights are to be turned off after 7:30pm on training nights to minimise impacts on neighbours.</p> <p>The proposal will not adversely impact to the surrounding residential amenity in the area and is considered to comply with the performance criteria.</p>	

27.4.2 Setback (P2)

<p>A2</p> <p>Buildings must have a setback from side and rear boundaries adjoining a General Residential Zone, Inner Residential Zone or Low Density Residential Zone not less than:</p> <ul style="list-style-type: none">(a) 3m; or(b) half the wall height of the building, <p>whichever is the greater.</p>	<p>P2</p> <p>Buildings must be sited to not cause an unreasonable loss of amenity to adjoining properties within a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, having regard to:</p> <ul style="list-style-type: none">(a) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings;(b) overlooking and reduction of privacy to adjoining properties; or(c) visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from the adjoining property.
<p>Planning Comments: Complies</p> <p>The light towers of the football oval will be setback less than the half of the tower height (15m). The proposal must be addressed against the Performance Criteria for this Standard.</p> <p>The proposed light towers comprise of thin structure with a maximum diameter of approximately 0.75m at the base and narrowing upwards.</p> <p>The light towers will be unlikely to overshadow any habitable structure on surrounding properties since they consist of narrow structure.</p> <p>Again, given the fact that the light towers are narrow structure, any bulk and visual impact from the proposed light towers will be minimal.</p> <p>The proposal will not adversely affect to the surrounding residential amenity in the area and is considered to comply with the performance criteria.</p>	

STATUTORY IMPLICATIONS

Land Use Planning and Approvals Act 1993

The Council is established as a Planning Authority by definition under Section 3(1) of the LUPAA and must enforce the Planning Scheme under S.48 of the Act.

In accordance with section 57 of this Act and Council's Planning Scheme, this proposal is an application for a discretionary permit. Council may approve or refuse discretionary permit applications after considering both Council's Planning Scheme and the public representations received.

Local Government (Building & Miscellaneous Provisions) Act 1993

The application has been considered against the requirements of section 85 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 as a result of this report 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.

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

COMMENT

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

It is considered that the proposed upgrade of sports field, installation of training lights and outbuilding demolition comply with either the acceptable solution or satisfy the performance criteria for all applicable standards of the Planning Scheme. The light towers will not adversely impact on overshadowing, privacy or visual impacts caused by apparent scale, bulk or proportion to adjoining properties.

The application is considered to comply with the Community Purpose Zone provisions for the Tasmanian Planning Scheme – Waratah-Wynyard. It is therefore recommended that Council to approve a planning permit for the proposed upgrade of sports field, installation of training lights and outbuilding demolition.

MOVED BY	CR HYLAND
SECONDED BY	CR ROBERTS

That Council, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the Tasmanian Planning Scheme (TPS) - Waratah-Wynyard, grant approval for upgrade of sports field, installation of training lights and outbuilding demolition located at 30 Church Street, Wynyard subject to the following conditions: -

CONDITIONS:

- (1) The development is to be generally in accordance with the application as submitted and endorsed plans as listed:

 - a. Proposal plans with Project Number 2223-10 and Page Number A01 of 1 as prepared by Rosene Cox Building Design & Drafting and dated 25 November 2022.**
 - b. Lighting plans with Project Number MEL22063 and Page Numbers 1 to 3 as prepared by M-Elec and dated 23 June 2022.****
- (2) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.**
- (3) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.**
- (4) Loading and un-loading of vehicles is to be confined to within the boundaries of the property.**
- (5) The developer is to cut, cap and protect underground services during the demolition stage of the building.**
- (6) Control measures are to be installed for the duration of the construction phase so as to limit the loss of soils and other debris from the site.**

The MOTION was put and was CARRIED.

IN FAVOUR

CR BRAMICH	CR COURTNEY	MAYOR DUNIAM	
CR HYLAND	CR ROBERTS	CR JOHNSTONE	

6.7 RETAINING WALL, PERGOLA, DECK AND WATER TANKS LOCATED AT 7 HEPPLES ROAD, BOAT HARBOUR BEACH - DA 243/2021

To: Council
Reporting Officer: Town Planner
Responsible Manager: Manager Development and Regulatory Services
Report Date: 27 March 2023
File Reference: 7086978
Enclosures: 1. Consolidated advertised documents 
2. Representation 
3. Signed extension of time 

PURPOSE

The purpose of this report is for Council to consider the merits of the application DA 243/2021 against the requirements of the *Waratah-Wynyard Interim Planning Scheme 2013*.

BACKGROUND

The subject site is located at 7 Hepples Road, Boat Harbour Beach and has an area of 414m². It is located within the Low Density Residential zone and has access onto Hepples Road. The site currently contains a building used for visitor accommodation purposes.

The adjoining titles to the north-east, south-west and to the north-west across Hepples Road contain single dwellings and associated domestic infrastructure. Land to the south-east is zoned Rural Resource. Further north of the site a coastal reserve administered by Crown Land Services and is zoned Environmental Management. A locality plan is presented in Figure 1.

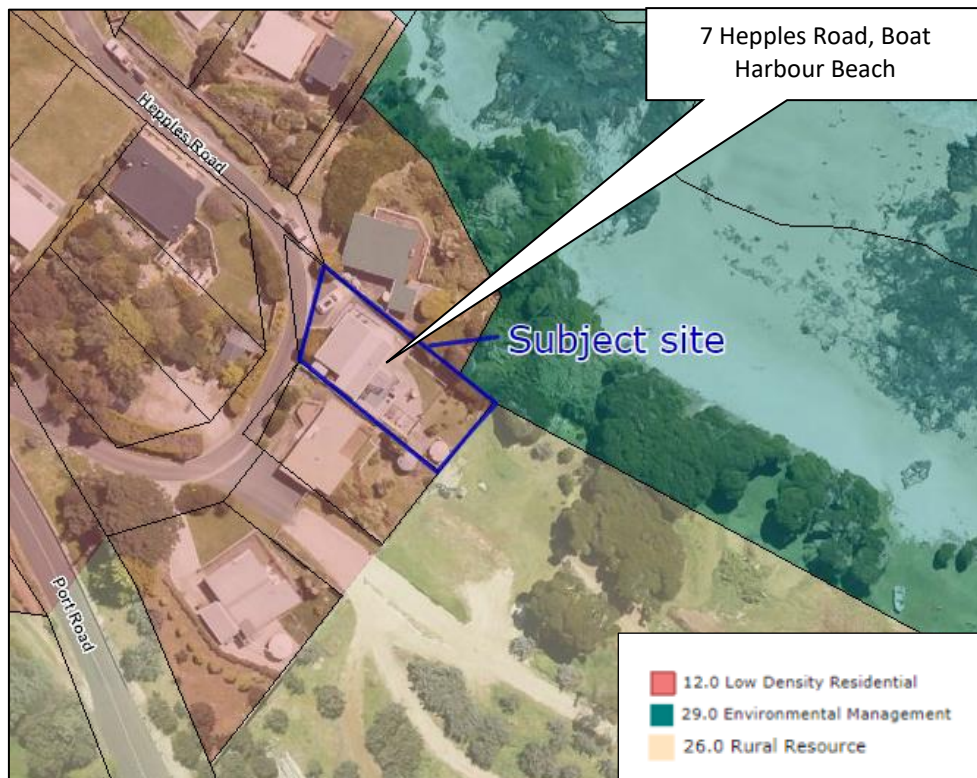


Figure 1: Subject site with zoning

DETAILS

The applicant is seeking retrospective approval for works undertaken on land at 7 Hepples Road, Boat Harbour Beach. These works include a deck extension, pergola, retaining wall and installation of water tanks.

The deck extension covers an area of approximately 11m² and abuts the south-western boundary. It is unroofed with a 1m high railing along the south-eastern side of the deck and a maximum height above ground level of approximately 2m.

The pergola is located at ground level adjacent to the deck. It is setback approximately 0.9m from the south-western boundary with a maximum height of 2.3m and an area of approximately 20m². The north-western and south-western elevations of the pergola are enclosed with 2.4m high walls. Approximately 1.2m of these walls also serve as a retaining structure.

An additional area of cut and fill is located north-east of the pergola to form a level grassed area. The area has a cut depth of less than 0.5m and fill to a maximum of 1.5m and is supported by a timber retaining wall approximately 1m in height.

The water tanks on the site include two tanks between the existing building and the south-western boundary. An additional water tank is located approximately 4m behind the pergola, and approximately 0.5m from the south-eastern and south-western boundaries. The three tanks have dimensions of 2m x 2.4m and a capacity of approximately 10kL each.

All development subject to this application is located behind the building line of existing development from Hepples Road and the north-eastern side boundary.

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

The subject property is zoned Low Density Residential under the Planning Scheme. The proposal is defined as a Visitor Accommodation 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);
- 12.4.3 Location and Configuration of Development (P2, P3); and
- 12.4.4 Visual and acoustic privacy for residential development (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 5 pages;
- Title documents x 2 pages;
- Hazard report x 10 Pages;

- Supplementary information x 7 pages; and
- Proposal plans x 8 Pages.

The period for representations closed on 22 March 2023. One (1) representation was subsequently received from an adjoining landowner. A map demonstrating the relationship between the subject site and representor’s property is shown in Figure 2.



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

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

Representor – D Fairbrother

Issues raised:	Response:
<p>The application and geotechnical assessment do not include excavation to the garage area and conversion to a self-contained unit. No reference is made in the assessment to the under-floor work of the main house.</p> <p>The application includes the deposition of fill from the garage to the under patio area, but no reference is made in either the application or geotechnical assessment to the under-floor work of the main house.</p> <p>There has been no planning approval for this work, the change of use or an occupancy</p>	<p>Council does not have a record of any under-floor work being undertaken on the site and the application documents do not include any evidence of earthworks under the floor of the existing building & deck. The only direct reference to the underside of the existing building is found in the Hazard Risk Assessment which notes on page 3 that the area is dry with no springs/seeps observed.</p> <p>Regarding use of the site, a planning permit was issued for a change of use from residential to visitor accommodation was granted under DA 25/2016. The planning permit approved visitor</p>

Issues raised:	Response:
certificate for the habitation of the area for the visitor accommodation use.	accommodation use for up to six persons with two bedrooms upstairs and one downstairs.
The work that was undertaken was by non-accredited builders and is not stated anywhere to what standard or quality of the work that was performed against that standard.	Construction requirements and safety of the development, including whether it complies with the <i>Building Act 2016</i> and the National Construction Code and whether the work has been undertaken by an appropriately qualified person, will be addressed at the building/plumbing permit stage. They are not matters for Council's consideration as a Planning Authority.
<p>No discussion takes place in the geotechnical assessment report as to the impact of the 2m high x approx. 5m x 5m+ concrete filled block wall on the stability of the land or the concrete pavers. On the contrary it states the work is of lightweight construction?</p> <p>The geotechnical assessment is based on 2 water tanks when there is clearly 3 onsite. The addition and installation of additional water tanks appears as contrary to the provisions that relate to water tanks associated with building work in Landslip A areas.</p>	<p>The Hazard Risk Assessment submitted with the application was prepared by Tony Barriera of Geoton Pty Ltd, who is a suitably qualified person.</p> <p>The site inspection undertaken as part of the assessment was conducted on 15 December 2022. There is no indication that further works have been undertaken on the site since the site inspection. The report is therefore considered to be an accurate assessment of the condition of the site.</p> <p>The block walls form two sides of the pergola. Whilst portions of these walls serve as a retaining structure for the land behind, they are integrated into the pergola rather than being a separate building. The assessment of these works being of light weight construction is a relative term used within the context of available building methods.</p> <p>The report concluded that a tolerable level of risk can be achieved as required by Clause E6.6.2 of the Hazard Management Code under the Planning Scheme. The level of likely risk from exposure to the natural hazard (landslide) is considered to be tolerable for the works subject to this application – being the retaining wall, deck, pergola and water tanks.</p> <p>The description of water tanks in the assessment from GeoTon is of two 2.4m by 2m tanks which refers to the tanks at the front of the site. As the report specifies two tanks, a condition has been included requiring removal of the third tank.</p>
The application nearly doubles the footprint of the developed area of the 7 Hepples Road	The planning scheme requires consideration of site coverage on a lot. Site coverage is

Issues raised:	Response:
<p>property compared against the original footprint that is in the Landslip A area.</p>	<p>determined by roofed buildings, not the footprint of a building.</p> <p>For a detailed assessment of how the site coverage at 7 Hepples Road complies with the requirements of the Planning Scheme please refer to the discussion under Clause 12.4.3 A3/P3 of the Planning Assessment section below.</p>
<p>The application states it is for a pergola when the original intended purpose was for continuation of the deck and a storage shed or another bedroom. The size of the timber used supports this, as does the level of the top of the now so-called pergola which is in line with the supports for the deck extension.</p>	<p>Council is required to assess an application as applied for. The current application does not include use of the pergola for any other purpose such as a storage shed or as the basis for a larger deck.</p> <p>Should the property owner wish to extend the existing building on the site, whether by further extending the deck, adding new rooms or other development, additional planning approvals would be required.</p> <p>Any future application would most likely be discretionary and require public advertising, during which time surrounding properties would have a right to comment on the proposal.</p>
<p>The use of the underfloor area of the house, the deck and the pergola area should not be permitted to be used until all of the planning and building approvals have been put in place.</p>	<p>The application is for retrospective approval. An application for a planning permit is the first stage in this process. Compliance issues under the <i>Building Act 2016</i> is a consideration for the relevant Permit Authority. It is not a matter for Council's consideration as a Planning Authority.</p>
<p>There is inconsistent application of rules with development in Landslip A areas at Boat Harbour Beach. Other properties have had work stopped because of lack of planning and building process has not been followed.</p> <p>Council have been derelict in the enforcement of the Planning Scheme for number of years and appear as it being prepared to tolerate the development which is inconsistent of the approach with other properties.</p> <p>A motion has been passed by the Council to request the State Government that the rules that apply to instances like this be changed. It is noted that motion passed by the Council has been placed on hold and not enacted by the Administration arm of the Council.</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>Council's Enforcement Policy and associated Guidelines, including whether these are/have been complied with by Council are not relevant matters for Council to consider when acting as a Planning Authority to assess applications.</p> <p>Queries regarding Council's Enforcement Policy should be directed to the General Manager for delegation to the appropriate officer(s).</p> <p>Motions passed by Council are also not relevant considerations under the Planning Scheme or <i>the Land Use Planning and Approvals Act 1993</i>.</p>

INTERNAL REFERRALS

Engineering Services Department

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

- (1) All costs associated with the 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 the *Urban Drainage Act 2013*.

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

EXTERNAL REFERRALS

The application did not require any external referrals.

PLANNING ASSESSMENT

The subject site is zoned Low Density Residential under the *Waratah-Wynyard Interim Planning Scheme 2013*. The use is a Visitor Accommodation 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 is provided below.

12.0 Low Density Residential zone

12.4.1 Suitability of a site or lot for use or development

A1	P1
A site or each lot on a plan of subdivision must – (a) have an area of - (i) not less than 500m ² excluding any access strip; or (ii) if in a locality shown in the Table to this clause, not less than the site area shown for that locality; and	A site or each lot on a plan of subdivision must - (a) be of sufficient area for the intended use or development without likely constraint or interference for – (i) erection of a building if required by the intended use; (ii) access to the site; (iii) use or development of adjacent land;

<ul style="list-style-type: none"> (b) contain a building area of not less than 10.0m x 15.0m (i) clear of any applicable setback from a frontage, side, or rear boundary; (ii) clear of any applicable setback from a zone boundary; (iii) clear of any registered easement; (iv) clear of any registered right of way benefitting other land; (v) clear of any restriction imposed by a utility; (vi) not including an access strip; (vii) accessible from a frontage or access strip; and (viii) if a new residential lot, with a long axis within the range 30° east of north and 20° west of north 	<ul style="list-style-type: none"> (iv) a utility; and (v) any easement or lawful entitlement for access to other land; and (b) if a new residential lot, be orientated to maximise opportunity for solar access to a building area
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Planning Comments: Complies

The minimum lot size in the Low Density Residential zone is 500m². The subject site comprises 414m². The proposal requires assessment against Performance Criteria P1 for this Clause.

The subject site contains an existing building used for visitor accommodation purposes. The application is for retrospective approval of works including retaining wall, deck extension, pergola, and water tanks.

The site does not contain any registered right of way, burdening easement or restriction imposed by a utility and has frontage onto Hepples Road of 14.95m. No changes are proposed for the location of the existing access or existing connections to reticulated sewerage and stormwater infrastructure. Water remains via on-site supply.

Regarding adjacent land, the adjoining lots to the north-east, south-west and to the north-west across Hepples Road have already been developed for residential use. They contain single dwellings and associated domestic infrastructure.

Land to the south-east is zoned Rural Resource. Further north of the site there is a coastal reserve administered by Crown Land Services and zoned Environmental Management.

The subject site is adjoined by established residential uses and constrained rural resource zoned land. The application is for retrospective approval of works relating to an existing visitor accommodation use. There is no change in the use of the site or significant increase in density of development on the property. It is considered that 7 Hepples Road is of sufficient size for the current use and the application before Council does not alter this.

The proposal satisfies P1 for this Standard.

12.4.3 Location and configuration of development

<p>A2</p> <p>All buildings must be contained within a building envelope determined by</p> <ul style="list-style-type: none"> (a) the applicable frontage setback; 	<p>P2</p> <p>Building height and location of a building in relation to a frontage and site boundaries must</p>
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<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 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 21st June; or</p> <p>b. a further reduction in continuous sunlight to a required minimum private open space area in an adjacent dwelling if already less than 2 hours between 9.00am and 3.00pm on 21st June; or</p> <p>(d) in accordance with any building envelope shown on a sealed plan</p>	<p>(a) minimise likelihood for overshadowing of a habitable room or a required minimum area of private open space in any adjacent dwelling;</p> <p>(b) minimise the apparent scale, bulk, massing, and proportion relative to any adjacent building;</p> <p>(c) be consistent with the streetscape;</p> <p>(d) respond to the effect of the slope and orientation of the site; and</p> <p>(e) provide separation between buildings to attenuate impact</p>
<p>Planning Comments: Complies</p>	

The application is for retrospective approval of works including a deck extension, pergola, retaining wall and installation of water tanks. The deck extension, pergola and water tanks are all located less than 1.5m from the south-western side boundary, with one of the water tanks less than 0.5m from the south-eastern rear boundary.

Assessment against P2 for this Clause is required due to non-compliance with the 4m rear boundary setback and A2(c)(ii)b for the south-western side boundary.

The development is located behind the building line of the existing building from Hepples Road. There will be minimal change to the appearance of the site when viewed from the street.

The deck is unroofed with a floor level below the height of the fence between the subject site adjoining property to the south-west at 5 Hepples Road. The pergola is also downslope of the dwelling at 5 Hepples Road, with the area directly south-west over the fence containing a large water tank. Neither the deck nor pergola will affect solar access to 5 Hepples Road and, due to the slope of the area, the structures are at or below the ground level of the adjoining dwelling, minimising their visual impact.

Boat Harbour Beach is not serviced by TasWater’s reticulated water supply, and the majority of properties rely on tank water.

The water tanks at the front of the site have a height that extends above the existing fence between 5 and 7 Hepples Road by less than 0.5m. The position of these tanks is unlikely to affect residential amenity for 5 Hepples Road as the area adjacent to the tanks consists of a landscaped yard. The majority of private open space is located to the rear of the site.

The water tank at the rear of the subject site is of a size and capacity consistent with other tanks in the area, including on properties to the south-west at 1 and 5 Hepples Road. The tanks of these properties are also in close proximity to boundaries. The adjoining property to the south-east is zoned Rural Resource, a zone primarily intended for agricultural use. The proximity of the tank to the rear boundary will have minimal impact, if any, on the use of land at 3 Hepples Road.

The proximity of the tanks, deck and pergola to buildings on adjacent land is consistent with the current proximity between buildings on adjoining lots along Hepples Road, which varies from less than 1m to over 9m.

The development is considered to satisfy the requirements of P2 for this Standard.

<p>A3</p> <p>Site coverage must –</p> <ul style="list-style-type: none"> (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 (c) not include any part of a site required for the disposal of sewage or stormwater; or (d) be not more than any building area shown on a sealed plan 	<p>P3</p> <p>Site coverage must –</p> <ul style="list-style-type: none"> (a) provide a usable area for private open space, landscaping, and vehicle parking and service activity; (b) retain capacity in any area required for disposal of sewage or stormwater; and (c) be consistent with the streetscape
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Planning Comments: Complies

Site coverage is determined by roofed buildings. The subject site comprises 414m² and the development increases the existing roofed area of approximately 115m² by an additional 20m², with a resulting site coverage of 33%.

According to Table 12.4.3 A3, the site coverage to comply with the acceptable solution for the locality of Boat Harbour Beach is 30%. Assessment against Performance Criteria P3 is required.

Private open space areas for the site include the unroofed deck area, pergola as well as the terraced backyard. The development does not alter existing parking arrangements on the driveway at the front of the site.

The subject site is located in an area serviced by Council's stormwater and TasWater's reticulated sewerage infrastructure with water via tank supply. Stormwater runoff from the development is directed to the existing stormwater connection within the property.

Site coverage on other lots along Hepples Road also exceeds 30%, including 8, 17, 19, 21 and 23 Hepples Road.

The development is considered to satisfy the requirements of P3 for this Standard.

12.4.4 Visual and acoustic privacy for residential development

A1	P1
<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"> (i) be not less than 6.0m from any door, window, balcony, deck, or roof garden in a dwelling on the same site; (ii) be not less than 3.0m from a side boundary; (iii) be not less than 4.0m from a rear boundary; and (iv) if an internal lot, be not less than 4.5m from the boundary abutting a rear boundary of an adjacent frontage site; <p>(b) if less than the setbacks in clause A1(a) -</p> <ul style="list-style-type: none"> (i) be off-set by not less than 1.5m from the edge of any door or window in another dwelling; (ii) have a window sill height of not less than 1.8m above finished floor level; (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 (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, 	<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"> (a) physical separation from the door, window balcony, deck, or roof garden in an adjacent dwelling; (b) off-set from a door or window to a habitable room in an adjacent dwelling; (c) effective use of screening other than vegetation; or (d) effect of topography and natural features

window, balcony, deck, roof garden, parking space, or carport	
<p>Planning Comments: Complies</p> <p>The application is for retrospective approval of works including a deck extension. Portions of the extended deck have a finished floor level greater than 1m above natural ground level.</p> <p>The extended deck is setback less than the minimum 3m from the south-western boundary required by A1(a) and cannot meet the requirements of A1(b). Assessment against P1 is therefore required.</p> <p>The adjoining property at 5 Hepples Road is upslope from the extended deck. Due to the difference in elevation between the two properties, the floor level of the deck matches the ground level of 5 Hepples Road. There is no greater risk of overlooking into the dwelling or yard of the adjoining lot to the south-west than that normally present in residential areas.</p> <p>The development is considered to satisfy the requirements of P1 for this Standard.</p>	

E6 Hazard Management Code

The subject hazard risk assessment submitted with the application addresses all aspects of the development subject to this application with the exception of the water tank closest to the rear (south-eastern) boundary. Consequently, the acceptable solution for Clause E6.6.2 of the Hazard Management Code is not met for this tank. To ensure compliance with the Planning Scheme removal of the tank closest to the rear boundary is recommended as a condition of any permit issued.

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 as a result of this report 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.

It is considered that the retaining wall, pergola, deck extension and two water tanks comply with either the acceptable solution or satisfy the performance criteria for all applicable standards of the Planning Scheme. It is considered that a tolerable level of risk can be achieved for the nature and duration of the development and that the works will not unreasonably affect residential amenity.

The application is considered to comply with the provisions of the Low Density Residential Zone and applicable Codes for the *Waratah-Wynyard Interim Planning Scheme 2013*. It is therefore recommended that Council approve a planning permit for the proposed retaining wall, pergola, deck and 2 x water tanks.

MOVED BY	CR ROBERTS
SECONDED BY	CR HYLAND

That Council, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Waratah-Wynyard Interim Planning Scheme 2013*, grant approval for a retaining wall, pergola, deck and 2 x water tanks located at 7 Hepples 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 SJD 18/10-01 to SJD 18/10-07 as prepared by Steve Jordan Drafting and dated May 2018.**
 - b. Hazard Risk Assessment with Reference Number GL23114Ab as prepared by Tony Barriera of GeoTon Pty Ltd and dated 28 February 2023.**

2. The water tank closest to the rear boundary of the site is to be removed.
3. All costs associated with the 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 un-loading 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 the *Urban Drainage Act 2013*.

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 is not a Building Permit. Please liaise with a Building Surveyor to ascertain if a certificate/permit is required for this development.
- 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 DA 243/2021. Any variation requires an application for further planning approval of Council.
- This development/use is not to result in the generation of environmental harm or nuisance as defined in the *Environmental Management and Pollution Control Act 1994*.
- Attention is drawn to existing or proposed electricity infrastructure, please be sure to contact TasNetworks on 1300 137 008 to ensure these works do not impede on existing electricity easements and are at a safe distance from powerlines. Failure to do so could result in the relocation of electricity assets at your cost.
- Under Section 61 (4) of the *Land Use Planning and Approvals Act 1993*, the applicant has the right to lodge an appeal against Council's decision. Notice of appeal should be lodged on the prescribed form together with the required fee within fourteen days after the date on which notice of the decision was served on that person, to the Tasmanian Civil & Administrative Tribunal (TASCAT), G.P.O. Box 2036, Hobart, 7001 (<mailto:resourceplanning@tascat.tas.gov.au>). Updated Notices of Appeal are available on the Tribunal's website at <https://www.tascat.tas.gov.au/>.

The MOTION was put and was CARRIED.

IN FAVOUR

CR BRAMICH	CR COURTNEY	MAYOR DUNIAM	
CR HYLAND	CR ROBERTS	CR JOHNSTONE	

PLANNING AUTHORITY CLOSED AT 7.00PM

The Manager Development and Regulatory Services and the Graduate Town Planner left the meeting at 7.00pm.

7.0 MATTERS RAISED BY COUNCILLORS**7.1 RESPONSE(S) TO COUNCILLOR QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING****7.1.1 CR HYLAND - BEAUTIFICATION OF TOWN ENTRANCE****QUESTION**

Cr Kevin Hyland asked if Council had applied to the State Government for any of the funds available to beautify the town entrances.

The General Manager advised that Burnie and Devonport had received funds but was not aware of any current opportunities. He took the question on notice

OFFICERS RESPONSE

Council has not applied for any funding relating to beautification or upgrade of town entrances. In recent months, the Tasmanian Government has announced funding of \$1.25 million to both Burnie City Council and Devonport City Council to beautify their key entry points, as gateways to the State.

The grants are part of the Tasmanian Government's \$8 million commitment to enhance key visitor entrance points around Tasmania. The type of improvements to be considered include the use of plants, artistic elements, signs and lighting.

These grants are provided under the North West City Gateway Upgrade program. The state program includes improvements to Hobart, Launceston and North West as the three gateways to the State.

Officers will contact the relevant government department to explore opportunities for funding relating to airport surrounds

7.1.2 CR JOHNSTONE - MAIN STREET BUILDING FACADES**QUESTION**

Cr Michael Johnstone asked how council could work with businesses and building owners to refresh the facades of buildings in the main street.

The General Manager advised that he was not sure if any previous attempts have been made in this regard and that he would explore the matter and come back with some ideas/options.

OFFICERS RESPONSE

Officers will explore this item and provided detail for consideration at a later date.

7.1.3 CR RAW - DETAILS OF COMPLAINT**QUESTION**

Cr Leanne Raw noted that three (3) complaints are listed in the Organisation Performance Quarterly Report and asked if Council could be advised of the nature of the complaints.

The question was taken on notice.

OFFICERS RESPONSE

DATE RECEIVED	CATEGORY	RESOLVED
14/12/22	Illegal Road Crossing	Legal advice sought and GM Actioning
9/1/23	Response time from Council re issue raised	Environmental Health matter being progressed by officers
2/2/23	Disability Access	Changes made March 2023

7.2 COUNCILLOR QUESTIONS RECEIVED IN WRITING

Nil received.

7.3 COUNCILLOR QUESTIONS WITHOUT NOTICE

7.3.1 CR HYLAND - NEW ROAD WORKS BASS HIGHWAY

Cr Hyland asked that State Growth be contacted regarding recently completed road works on the Bass Highway. He advised that when approaching the intersection of Old Bass Highway with the Bass Highway you cannot see the Highway until you are almost over the hill, there have already been near misses where people go to turn into the U-Turn area thinking that is the Highway entry. There needs to be an urgent review and much better signage.

The Director Infrastructure and Development Services advised he would contact State Growth.

7.3.2 CR COURTNEY - ROAD WORK SPEED LIMIT SIGNS BASS HIGHWAY

Cr Courtney asked that State Growth be contacted regarding road work speed limit signs that are still in place on the completed Bass Highway upgrades. In particular the 60km sign that is sometimes turned sideways just after you enter the highway from Old Bass Highway is causing confusion with some drivers doing 60kph, others 80kph and others 100kph.

The Director Infrastructure and Development Services advised he would contact State Growth.

7.3.3 CR BRAMICH - ROUNDABOUT MAINTENANCE

Cr Bramich asked that council raise the matter of roundabout maintenance, on the Bass Highway, with State Growth once again. He noted the Roundabouts are the entry to Wynyard and either State Growth should maintain or pay Council to maintain on our behalf.

The Director Infrastructure and Development Services advised he would contact State Growth.

7.3.4 CR ROBERTS - GRANTS SUB-COMMITTEE

Cr Roberts asked if Council could form a sub-committee for sourcing of funding and grants for sports groups.

The question was taken on notice.

7.3.5 CR ROBERTS - TREE AT SKATE PARK

Cr Roberts asked if Council could place a tree net around the tree causing issues at the skate park.

The question was taken on notice.

7.3.6 CR ROBERTS - AUDIO BOOK

Cr Roberts asked if the Council Agenda could be converted to an audio book.

The question was taken on notice.

7.3.7 CR ROBERTS - EXTENSION OF BOAT RAMP

Cr Roberts asked if the boat ramp could be extended by 3m because larger boats cannot unload in Wynyard, they need to launch in Burnie and travel across.

The question was taken on notice.

7.3.8 CR JOHNSTONE - PARKING SIGNAGE

Cr Johnstone noted the previous public question regarding parking for motorcycles and stated that he believes there is enough parking however we require better signage to indicate where parking is; for example signage for the carpark off Jackson Street is hard to see and there is not enough advance notice on Goldie Street or at entrance to car park in Jackson Street.

The question was taken on notice.

8.0 NOTICE OF MOTION

Nil received.

9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 SETTLEMENT STRATEGY IMPLEMENTATION PLAN

To:	Council
Reporting Officer:	Economic Development Officer
Responsible Manager:	Director Organisational Performance
Report Date:	4 April 2023
File Reference:	Strategies and Plans
Enclosures:	1. Liveable Waratah Wynyard Settlement Strategy Implementation Plan 

PURPOSE

The purpose of this report is to present the Waratah Wynyard Settlement Strategy Implementation Plan for endorsement. The Implementation Plan (the Plan) will guide the future delivery of the recommendations contained in the Liveable Waratah Wynyard Settlement Strategy.

The Plan is designed to be a living document and will be placed on Council's electronic content management (ECM) system to be regularly updated by Council staff. The Plan will be used to:

- prioritise the recommendations contained in the Strategy
- develop appropriate actions to deliver the recommendations
- estimate a delivery timeframe and potential cost (where appropriate)
- assign leadership responsibility and,
- display progress updates.

BACKGROUND

The Liveable Waratah-Wynyard Settlement Strategy 2021 (the Strategy) was adopted by Council on 17 May 2021. An Implementation Plan has now been developed to guide the delivery of the recommendations contained in the Settlement Strategy and to assist in future budget considerations. Council will be updated on the delivery of the strategy every 12 months.

This Liveable Waratah-Wynyard Settlement Strategy 2021 is designed to enhance the liveability of Wynyard, Waratah, Somerset, Boat Harbour Beach, Sisters Beach and Yolla. The niche that this Strategy fits into is defined by State and regional plans, the Cradle Coast Regional Land Use Strategy, and the Sustainable Murchison Community Plan. These documents stress the importance of liveability as the key goal that we must strive for in our planning decisions. Liveability is increasingly seen as the key to economic success and contributes to everyone's quality of life.

The Strategy also complements local plans such as the Central Area Development Plans for Wynyard and Somerset which, establish a direction for those town centres, the Open Space and Recreation Strategy which identifies the actions required to meet the open space needs

of community and incorporates principles and objectives from Council's integrated Council Environmental Plan (iCEP).

The Strategy sets out interconnected recommendations that will enable Council to protect and enhance these qualities and leverage off them to make our towns and villages (even) more sustainable, inclusive, inspiring, and nurturing places to live, work and visit. The strategy recognises that supporting liveability requires more than just a narrow view of land use planning. Consequently, these recommendations are in two parts:

Part 1 of the document relates to use and development of land and outlines a series of measures to encourage appropriate development in the best locations; and Part 2 seeks to retain and enhance the qualities of our towns and villages that make them such appealing places.

Both parts of the Strategy seek to align Council's actions and policies with those of other Government agencies and the community to co-ordinate actions to achieve greater liveability.

DETAILS

The Plan will be used to prioritise the recommendations contained in the Strategy, develop appropriate actions, estimate a delivery timeframe and potential cost (where appropriate), assign leadership responsibility and display progress updates. The Plan will be used to direct future budget considerations.

As with the Strategy, the Implementation Plan has been divided into two (2) parts. Some of the recommendations contained in the Strategy have already been completed or are currently in progress.

Part 1 of the recommendations, *Land Use and Development Recommendations* lists the following: -

LU1 – Identification of preferred development fronts and candidate sites for rezoning

LU2 – Outline Development Plans for residential expansion areas

LU3 – Outline Development Plan for Industrial areas

LU4 – Advocate IPWEA to adopt standard drawings for low traffic access ways

LU5 – Independent advisory service for applicants for development and community environmental enhancements

Part 2 of the recommendations, *Protecting, promoting and enhancing liveability* lists the following: -

L1 – Streetscape Strategy

L2 – Pause places

L3 – Tree Planting

L4 – Interpretive and wayfinding signage

L5 – Demonstration/exemplar gardens

L6 – Greenways

L7 – Park and pedal, bus and bike

-
- L8 – Bicycle storage structures
 - L9 – Promotional and accessible explanation of planning and good design
 - L10 – Physical activity/active transport promotion
 - L11 – App for themed walks
 - L12 – Facilitation of community adoption and contracting of open space and landscaping projects
 - L13 – Advocate CCA for compilation of coastal management techniques and awareness raising
 - L14 – Advocate for prompt delivery of additional pedestrian crossing points across Bass Highway in Somerset
 - L15 – Advocate for improved Wi-Fi Internet access
 - L16 – Promotion of Food Sensitive Planning and Design
 - L17 – Advocate for safe pedestrian and cycle crossing of Bass Highway at Deep Creek Road and/or Oldina Road

Many of the recommendations are complimentary and/or dependent upon one another to realise the strategy intent.

STATUTORY IMPLICATIONS

Statutory Requirements

Council is required to undertake strategic planning, to provide a direction for the future of Wynyard, Somerset, Waratah, Boat Harbour Beach, Sisters Beach, Yolla and the isolated clusters of land zoned Rural Living throughout the municipality. Without this planning, strategic amendments cannot be made to Council’s planning scheme.

The Settlement Strategy and accompanying Implementation Plan is required to be consistent with the Cradle Coast Regional Land Use Strategy.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 1: Leadership and Governance
Desired Outcomes
1.3 We encourage broad community input to create a focussed and strong sense of belonging.
Our Priorities
1.1.1 Commit to best practice in community engagement.

GOAL 3: Connected Communities
Desired Outcomes
3.3 Our natural and built environment aids the community with an active and healthy lifestyle.
Our Priorities
3.1.1 Deliver planning for activation through effective urban design and planning that promotes liveability, social gathering and connectedness, and which recognises and celebrates local history.

GOAL 4: Community Recreation and Wellbeing

Desired Outcomes
4.2 Our community values, encourages and supports physical, social and cultural activities.
Our Priorities
4.2.1 Focus on the value of recreation in promoting the health and wellbeing of our community.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Place making and liveability	Liveable places for all ages – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.

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

The Implementation Plan will be used to prioritise the Strategy recommendations and actions for future budget considerations.

RISK IMPLICATIONS

Reputational Risk - Council may be at reputational risk if it develops a Strategy but does not implement the recommendations in a timely and strategic manner.

CONSULTATION PROCESS

Consultation was conducted via an in-house working group.

CONCLUSION

It is recommended that Council:

1. endorse the Liveable Waratah Wynyard Settlement Strategy Implementation Plan
2. note the progress of the recommendations contained in the Liveable Waratah Wynyard Settlement Strategy Implementation Plan.

MOVED BY	CR HYLAND
SECONDED BY	CR ROBERTS

That Council:

- 1. endorse the Liveable Waratah Wynyard Settlement Strategy Implementation Plan as the implementation and governance framework to guide the delivery of the recommendations contained in the Liveable Waratah Wynyard Settlement Strategy 2021.**
- 2. note the progress of the recommendations contained in the Liveable Waratah Wynyard Settlement Strategy Implementation Plan.**

The MOTION was put and was CARRIED.

IN FAVOUR

CR BRAMICH	CR COURTNEY	MAYOR DUNIAM	
CR HYLAND	CR ROBERTS	CR JOHNSTONE	

9.2 FINANCIAL MANAGEMENT STRATEGY 2023-2033

To:	Council
Reporting Officer:	Corporate Accountant
Responsible Manager:	Director Organisational Performance
Report Date:	9 March 2023
File Reference:	Governance - Policy - Council Policies
Enclosures:	1. Financial Management Strategy 2023 - 2033 

PURPOSE

This report is to provide Council with an updated Long-Term Financial Management Strategy, including a 10-year Long Term Financial Plan.

The document will replace Council's existing Financial Management Strategy 2022 to 2032 adopted in October 2021.

The Strategy has been updated to include Council's strategic aspirations and changed operating environment. The Strategy will be updated on an annual basis to reflect any changes in the strategic direction set by Council to ensure that it remains current and relevant in guiding Council decision making.

BACKGROUND

The Strategy includes Council's Financial Management Strategy and Long-Term Financial Plan for the next 10-year period. It sets the parameters for Council's ongoing financial sustainability and will guide decision making when setting the annual plan and budget estimates.

If the parameters are followed in decision-making Council will be able to demonstrate its financial sustainability in the medium to longer term.

DETAILS

1. The Financial Management Strategy (FMS) is critical to Council's strategic planning process. It underpins Council's long-term financial sustainability while meeting the needs and expectations of our communities in delivering Council's strategic priorities.
2. Council is currently in a strong financial position with strong liquidity and cash flow, low debt levels, assets in good condition, and an ability to satisfactorily fund its asset renewal requirements. Council's operating position has also improved in recent years and is sustainable, with its recurrent expenses being fully met by its recurrent revenue streams.
3. The document includes Council's Financial Management Strategies and Long-Term Financial Plan for the next 10-year period.
4. The FMS is pivotal in setting the high-level financial parameters that guide the development and refinement of Council's annual plan and budget estimates and generates information that assists decisions about the mix, possible timing and affordability of future capital and operational outlays.

5. If Council follows the parameters set in the Strategy when setting its annual plan and budget, it will demonstrate a strong financial position and financial sustainability into the future.

6. A review of the Strategy each year allows for the review of Council’s operating environment and to account for changes since the Strategy was last updated. The review is an opportunity ensure that existing strategies remain appropriate in context of changes in the operating environment and adjust where necessary.

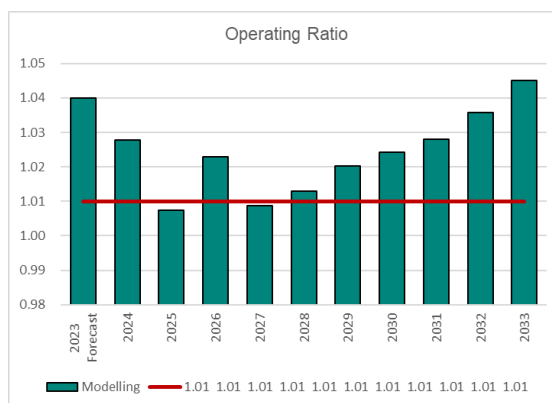
7. This FMS achieves the following outcomes:

- A financially sustainable operating position in all years.
- A minimum cash target of \$5m at 30 June each year.
- Forecast borrowings of \$3m in 2023/24 to fund stormwater infrastructure upgrades.
- A demonstrated strong financial position with Council being able to meet its financial obligations when the fall is due comfortably.
- Expected continuation of low rating per head of population, well below the state average and neighbouring urban centres.
- The Strategy allows for projects of up to \$56m over the next 3 years which includes known essential stormwater infrastructure spending of approx. \$8m.
- A planned 3-year capital program of \$32m for new infrastructure with operational budgetary impacts to be managed through operational improvements to offset operational impacts of this expenditure (\$521k in 2025, \$56k in 2026 and \$380k in 2027).

If Council follows the modelling parameters when setting its annual plan and budget, it will demonstrate a strong financial position and financial sustainability into the future.

Council's Operational Position

Council's current FMS includes an operational margin ratio target of 1.00 (or a breakeven). While a target of 1.00 or above would indicate that Council is sustainable and can cover its recurrent operating expenses from recurrent operating revenue.



The modelling contains several strategies and assumptions to achieve this position which are reflected in the document. Some of the key assumptions are highlighted below.

Rates & Charges

Council must set appropriate levels of tax to cover the delivery of ongoing services and fulfill its roles and responsibilities. The Strategy recognises that incremental rate increases in line with inflation is critical to Council's ongoing financial sustainability.

Rates and Charges are not set at the time of adopting this Strategy. This is done at the time of setting the annual plan and budget estimates when actual costs are known with greater certainty.

Council, as a provider of infrastructure is impacted by movement in building and construction prices. The updated strategy highlights unusually high inflation from market forces outside Councils control. This high inflation is putting increasing cost pressure on Council's recurrent budget to deliver existing services.

Council will need to carefully balance its services and costs and consider the current economic climate and capacity to pay in setting its capital expenditure program and setting its rates and charges each year. Council may consider reviewing its service levels and/or seek to find efficiencies beyond those outlined in the Strategy to try and minimise any rates increases to the community.

Tas Water Dividends

Council's sustainable operating position is reliant on the continuation of Tas Water dividends (\$562k pa). This is a financial risk and it would be prudent for Council to transition to non-reliance on this revenue stream in the future.

Due to the high inflationary environment, Council has deferred its plans to move to a non-reliance on the dividend by 2025 and will reassess this on an annual basis with each update for the Strategy. The Strategy continues to reflect Council's desire to achieve this at a future date.

Operational Budget Impacts from New Infrastructure Spending

New infrastructure spending has a recurrent budgetary impact which must be planned for and managed at the time of committing to the expenditure.

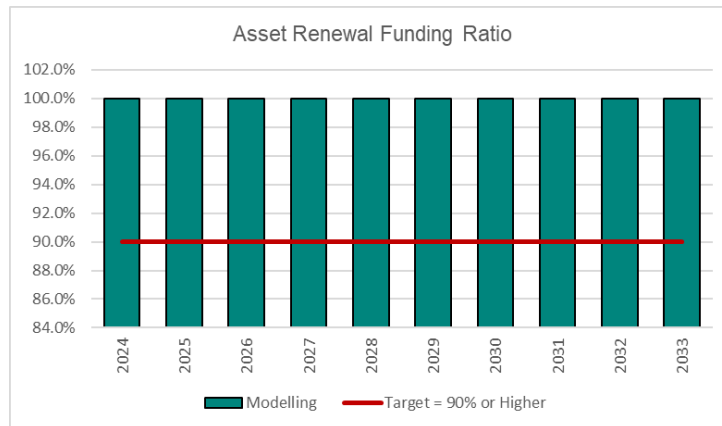
Modelling indicates that the 2022/23 capital program plus planned expenditure of up to \$32m over the next three years is expected to have an operational budgetary impact of \$962k.

Council's Strategy for managing this additional expense is to find operational improvements as the expenditure is committed to in any given budget year. Council is on track with this Strategy.

Capital Expenditure

Capital expenditure on renewal of existing assets will continue to be prioritised in accordance with Council's Asset Management Policy.

The following graph demonstrates that Council will be able to fully fund the renewal of existing infrastructure over the life of the Strategy.



Council has adopted a range of Master Plans and Strategies outlining future community aspirations for new and improved infrastructure that requires a capital investment of approximately \$56m over the next ten years. This includes expenditure of approximately \$8m for required stormwater infrastructure upgrades as outlined in Council’s Stormwater asset management plans.

In addition to the capital outlays, additional recurrent costs need to be planned for and carefully managed.

The Strategy review has included an assessment of organisational capacity to deliver the works (from both employees and contractor availability) and has identified the need to better align the planned timing of projects in line with capacity.

In practice strategic projects are taking longer than one financial year with longer lead times for approvals, planning, design, community consultation, and contractor availability. Council has typically been budgeting for each strategic project in one financial year and carrying over funds for projects still in progress as at 30 June each year.

The Strategy includes a move to a 3 year rolling capital works budget for new infrastructure spending to better align annual budgets with actual project delivery. This will assist in managing expectations with the community on the timing of individual projects.

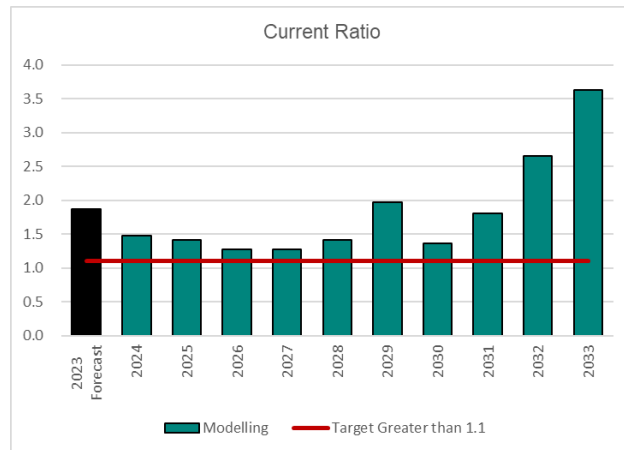
Funding of New Capital Works

Several assumptions have been made about the funding mix for Council’s capital works program over the life of the Strategy. A combination of grant funding, borrowings, and Council’s cash reserves that will be required to fund new capital works.

\$3m of borrowings have been forecast to be drawn down in the 2023/24 financial year to fund stormwater infrastructure upgrades. Grant funding opportunities will be actively pursued as an essential funding source for Council to deliver on the above projects in future years.

Current Ratio

Council will maintain liquidity to ensure that it can meet its financial obligations as and when they fall due. The Strategy includes a current ratio target of 1.1 to ensure its short-term assets held are greater than its short-term liabilities as at 30 June each year. The principles of the Strategy are followed, the Strategy demonstrates that the target can be met.



Cash and Liquidity

Council needs to retain enough cash on hand to meet its anticipated financial obligations as at 30 June. 30 June is the lowest level of cash in the annual financial cycle.

Financial modelling has informed Council that it will, in the medium term, need to increase its minimum cash on hand benchmark from \$4m to \$5m. Council has elected to make this change now as a part of this strategy update.

The timing of planned capital expenditure will need to be managed to ensure that the cash on hand as at 30 June is sufficient and in line with Council's \$5m target.



STATUTORY IMPLICATIONS

Statutory Requirements

The *Local Government (Miscellaneous Amendments) Act 2013* making it compulsory for Tasmanian Councils to maintain a long-term financial management plan and Strategy. The following sections set out the requirements under the Act: -

70. Long-term financial management plans

- (1) A council is to prepare a long-term financial management plan for the municipal area.
- (2) A long-term financial management plan is to be in respect of at least a 10-year period.
- (3) A long-term financial 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 strategic asset 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 financial management plan.

70A. Financial management strategies

- (1) A council is to prepare a financial management strategy for the municipal area.
- (2) A financial 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 a financial management strategy.

The Minister for Local Government issued a Local Government (Contents of Plans and Strategies) Order 2014 under Section 70F of the Act outlining the minimum requirements of long-term financial management plans and strategies. This Strategy complies with the disclosure requirements of the Order.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

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

Sustainable Murchison Community Plan 2040

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

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The modelling contained in the FMS is indicative only and informs the Council decision making. Council will consider and decide on what and when capital outlays will occur through the setting of its Annual Plan and Budget Estimates.

Whilst assumptions have been made regarding the future need for rate increases, Council will make decisions about rating increases when setting the budget. Council will continue to consider the current economic climate and capacity of ratepayers to pay for services in its rates and charges decision making.

RISK IMPLICATIONS

The risk of not considering the principles, strategies, and targets of this Strategy may result in the deterioration of the organisation's financial sustainability.

If Council is unable to find the operational improvements identified in the Strategy, it may be required to increase rates and charges or, alternatively, delay the timing of planned new capital works.

Other material risks that may impact Council's sustainability and/or impact the ability to deliver planned capital works are changes in contract prices for materials and contracts, shortages of critical raw materials such as timber and steel, and labour shortages for specialist staff.

CONSULTATION PROCESS

The Strategy has been developed in consultation with the Executive Management Team and has been workshopped with Councillors.

The Strategy was presented to the Audit Panel meeting held on 27 March 2023.

A copy of the Strategy is also provided to the Minister for Local Government and made available on Council's web site.

CONCLUSION

That Council adopt the Financial Management Strategy 2023 to 2033 that defines the principles and strategies that Council will follow to demonstrate continued financial sustainability in its decision-making. The 10-year Strategy demonstrates:

- A financially sustainable operating position in all years.
- A minimum cash target of \$5m as at 30 June each year.
- Forecast borrowings of \$3m in 2023/24 to fund stormwater infrastructure upgrades.
- A demonstrated strong financial position with Council being able to meet its financial obligations when the fall is due comfortably.
- Expected continuation of low rating per head of population, well below the state average and neighbouring urban centres.
- The Strategy allows for projects of up to \$56m over the next 3 years which includes known essential stormwater infrastructure spending of approx. \$8m.
- A planned 3-year capital program of \$32m for new infrastructure with operational budgetary impacts to be managed through operational improvements to offset operational impacts of this expenditure (\$521k in 2025, \$56k in 2026 and \$380k in 2027).

8. The Strategy recognises that incremental increases in rates and charges in line with rising costs is important to maintain financial sustainability. It also recognises the need to balance service community expectations and levels of expenditure with community capacity to pay.

It is recommended that Council adopt the updated Strategy as presented to replace its existing Strategy.

MOVED BY	CR ROBERTS
SECONDED BY	CR COURTNEY


That Council adopt the Financial Management Strategy 2023 to 2033 that defines the principles that underpin Councils financial decision making.

The MOTION was put and was CARRIED.

IN FAVOUR

CR BRAMICH	CR COURTNEY	MAYOR DUNIAM	
CR HYLAND	CR ROBERTS	CR JOHNSTONE	

9.3 REPORT OF THE AUDITOR GENERAL - STRATEGIC PROCUREMENT IN LOCAL GOVERNMENT

To: Council
Reporting Officer: Director Organisational Performance
Responsible Manager: General Manager
Report Date: 15 March 2023
File Reference: Risk Management - Internal Audit - Reports
Enclosures: 1. Strategic Procurement in Local Government Report -
Tasmanian Audit Office 

PURPOSE

The report is to inform the Council of the performance and findings of a recent audit that Council participated in on the strategic procurement practices of local government.

BACKGROUND

The role of the Auditor-General and Tasmanian Audit Office is to provide assurance to Parliament and the Tasmanian community about the performance of public sector entities. They achieve this by auditing financial statements of public sector entities and by conducting financial audits and performance audits.

Through their work, they make recommendations that promote accountability and transparency in government and improve public sector entity performance. Findings from Audits are published in reports, which are tabled in Parliament and made publicly available online.

DETAILS

Waratah Wynyard Council was one of six Councils in the state selected for an audit on Strategic Procurement Practices. A strategic approach to procurement is focused, not just on the delivery of goods and services, but also how procurement can be used to achieve Council's strategic goals and objectives.

The audit had an emphasis on assessing how councils determined and monitored value from procurement. In particular, the audit examined how councils used procurement to help achieve their strategic goals and objectives and derive greater benefit for the council, suppliers and the community. The audit included whether or not Councils: -

- Identified strategies to achieve value through procurement.
- Effectively embedded strategies to achieve value in their procurement processes.
- Monitored value derived from procurement

The full report is attached for the information of Councillors. In short, the Auditor-General concluded that all six Councils audited including Waratah Wynyard Council, as measured against the audit criteria were, in all material respects, effective in identifying, embedding and monitoring strategies to derive value through procurement.

The Auditor General recommended that Councils:

-
- Document how procurement-related activities support the achievement of strategic goals and objectives.
 - Ensure staff carrying out procurement are provided with regular procurement related training.
 - Develop processes to monitor and review the value derived from procurement activities, including the establishment of performance targets and measures.

The report identifies good practice examples for some Councils that can be used across the sector as conversation starters for continuous improvement. Waratah Wynyard Council is highlighted in the report as a good practice example across a number of areas including:

- The inclusion of environmental considerations in its procurement decision making (page 32).
- Council's longstanding resource sharing arrangement with Circular Head Council which includes shared procurement (page 34).
- Its joint procurement with Burnie City Council for the Coastal Pathway Project (page 34)
- Monitoring and reporting of its resource sharing arrangements (page 42).

The detailed findings relating to Waratah Wynyard Council are contained in Appendix E (page 54) which states:

“Strategic to achieve value

Waratah-Wynyard Council provided a self-assessment level of ‘Leader’ for this area. The Council followed the values and principles outlined in its Code and Procurement Policy but did not have a procurement strategy. However, the Council strengthened its Procurement Policy to include environmental considerations following the adoption of the Integrated Community Environmental Plan 2020-2030. The Council’s Corporate Strategic Plan 2017-2027 included strategies and actions on leadership and governance, and achieving value for money. The Procurement Policy and reports to elected members on procurement activities, were connected to objectives in the Strategic Plan.

Processes embed strategies

Waratah-Wynyard Council provided a self-assessment level of ‘Mature’ for this area. In June 2022, the Council set a net zero emissions target by 2030. The Council’s largest source of emissions was from transport and this informed its approach to procurement activities in the short and medium term. The Procurement Policy included information on how environmental considerations would be applied when evaluating tenders.

The Council had a long-standing resource sharing arrangement with Circular Head Council which included procurement. Examples of shared procurement included road resurfacing, recycling, building evaluations and bridge replacements. This produced demonstrated benefits for both councils with reports noting the Council had achieved costs savings and delivered better services to the community.

The Code, Procurement Policy and supporting procedures provided guidance for staff undertaking procurement. Staff had access to sufficient procurement training through an online training module which embedded purchasing principles such as

value for money and ‘buy local’. Elected members considered and approved tenders exceeding \$250,000 based on the recommendation of an evaluation panel. With approval from elected members, the General Manager had delegated authority to approve tenders under \$250,000. However, all contracts exceeding \$100,000 were reported to elected members on a monthly basis.

Monitoring of value to enhance procurement

Waratah-Wynyard Council provided a self-assessment level of ‘Mature’ for this area. Elected members were briefed on their Council’s shared resource arrangement with Circular Head Council. The Council had not used internal audit to monitor the value of procurement activities. However, a recent internal audit report on training needs for staff recommended improvements to record keeping for lower value purchases. The Council was continuing to obtain more value from procurement through implementation of actions identified in the Integrated Community Environmental Plan 2020-2030.”

STATUTORY IMPLICATIONS

Statutory Requirements

Section 66 of the LGA requires each council to prepare a strategic plan for the municipal area for at least a 10-year period.

In relation to procurement, sections 333A and 333B of the LGA require each council to maintain a Code and comply with that Code when acquiring goods and services.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

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

POLICY IMPLICATIONS

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

Council’s Procurement Policy provides the overarching framework and control for the purchase of goods and services to Council.

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. The report will be distributed to Council's Independent Audit Panel meeting in June 2023.

CONCLUSION

It is recommended that Council note the Auditor General's Report on Strategic Procurement in Local Government dated 30 March 2023.

MOVED BY	CR ROBERTS
SECONDED BY	CR HYLAND

That Council note the Auditor General's Report on Strategic Procurement in Local Government tabled in Parliament 30 March 2023.

The MOTION was put and was CARRIED.

IN FAVOUR

CR BRAMICH	CR COURTNEY	MAYOR DUNIAM	
CR HYLAND	CR ROBERTS	CR JOHNSTONE	

9.4 AWARD OF CONTRACT 797 FOR WYNYARD WASTE TRANSFER STATION SITE MANAGEMENT SERVICES

To:	Council
Reporting Officer:	Contracts and Administration Officer
Responsible Manager:	Director Infrastructure and Development Services
Report Date:	27 March 2023
File Reference:	Contract 797
Enclosures:	1. Tender Evaluation Assessment - Confidential

PURPOSE

To determine Council's position in relation to the tender submission received for Contract 797 Wynyard Waste Transfer Station Site Management Services.

BACKGROUND

The existing contract relating to this tender is held by Westbeach Holdings Pty Ltd, which will expire on the 30 June 2023.

A call for expressions of interest (EOI) was published in the Advocate Newspaper in October 2022. At the close of expressions on 21 November 2022, three submissions had been received from:

- Westbeach Holdings;
- Dulverton Waste Management; and
- Launceston City Mission Inc.

A formal call for tenders for the provision of site management services at the Wynyard Waste Transfer Station was made through Councils electronic tendering portal "TenderLink", by private notice to EOI respondents, on 10 February 2023.

The contract term commencing 1 July 2023, will be for an initial of three (3) year period with optional extensions for up to four (4) years. The contract includes provision for annual price adjustments relating to CPI. The successful tenderer is also offered salvage rights to some materials to align with Council's goal of minimising waste to landfill.

At the close of the tender period on 10 March 2023, one (1) tender was received from Launceston City Mission Inc. The remaining contractors declined to submit a tender.

DETAILS

The Contract operates as a Schedule of Rates contract, based upon the anticipated service level required to consistently maintain the transfer station and its service to the community.

Tender price and assessment of the tender, based on pre-defined tender criteria, outline the recommendation to Council to award the contract. All tenders received were assessed by the evaluation panel against a range of weighted criteria being:

Selection Criteria	% Weighting
Project understanding including quality and completeness of submission	10
Capacity and resources, materials, Plant and Equipment to complete the works including financial viability	10
Capability and relevant experience of personnel and management.	20
Quality Management Systems, including WHS, Traffic, risk and environmental	10
Tender Sum	30
Environmental & Sustainability Considerations, including demonstrated willingness to divert waste from landfill and reduce contamination	20
	100

In addition to the evaluation of the submitted tender, a review was conducted of the benefits and costs associated with Council undertaking the operation of the WTS internally. The calculation for this option was based on the current service level to ensure a consistent comparison with prospective tenderers.

The estimated cost for Council to undertake the operations of the WTS was somewhat difficult to determine based upon whether 2 or 3 staff would be required on site with a cost range of up to \$386,000. Given the uncertainty, this does not compare favourably to the submitted tender price of \$308,152.

Additional factors in the assessment of an in-house operation as compared with a contracted service included up to 6 months lead time for recruitment, training, preparation of associated documentation and transitioning into a business-as-usual operation for the community.

Launceston City Mission Inc. have demonstrated experience in the provision of these services, have established safety and management systems in place and have been assessed as competent and capable in the performance of the service for which they have tendered.

The assessment document provided to Councillors as a confidential attachment clearly details the scores achieved by the recommended tenderer across the field of key selection criteria and notes the in-house operation as comparison.

In considering the in-house option associated with the provision of services, it is recommended that Launceston City Mission Inc be awarded the contract for the provision of site management services for the Wynyard Waste Transfer Station.

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 1: Leadership and Governance
Desired Outcomes
1.2 We maintain and manage our assets sustainably.
Our Priorities

1.2.1 Review and adjust service levels to provide value for money.
GOAL 7: Environment
Desired Outcomes
7.1 Council and the community minimise its resource consumption and carbon footprint.
Our Priorities
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:
Access and infrastructure	Local, regional and global transport and infrastructure access – Safe and efficient access alternatives, growing freight capacity, renewable energy, water management and contemporary communications. Community infrastructure that supports economic development.
Natural resource management	Managing abundant, natural and productive resources – Natural resource management is valued and development is environmentally sustainable. The environment is clean and healthy with unspoilt beauty and biodiversity.

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

As part of Council’s ongoing commitment to iCEP, one priority is to sustainably manage waste by continually implementing the initiatives and recommendations from the Waste and Resource Recovery Strategy.

Council’s strategic objectives for waste management include diverting waste from landfill; building community awareness; and providing a waste service that is both valued and affordable for the local community.

The award of this contract will allow Council to continue to provide cost-effective and accessible waste disposal options for the community which may help to reduce waste to landfills by encouraging people to sort their waste from recyclables.

FINANCIAL IMPLICATIONS

The current budget for the operation of the WTS is \$195,024 for the 2022/23 financial year. The recommended tender submission from Launceston City Mission Inc. is for an annual sum of \$308,152. The net additional cost to Council for this recommendation will amount to \$113,128, which will require an update to the 2023/24 operational budget estimates prior to its finalisation and consideration of Council’s position on full cost recovery via service rates and charges.

RISK IMPLICATIONS

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

minimise any risk to council. The broad tender assessment, beyond just price, is intended to mitigate risk.

CONSULTATION PROCESS

Staff expertise was sought during the development of the tender documentation. A Tender Evaluation Panel was made up of five staff from management, asset and governance backgrounds.

CONCLUSION

It is therefore recommended that Council award Contract 797 - Wynyard Waste Transfer Station Site Management Services to Launceston City Mission Inc.

MOVED BY	CR BRAMICH
SECONDED BY	CR JOHNSTONE

That Council award Contract 797 – Wynyard Waste Transfer Station Site Management Services to Launceston City Mission Inc.

The MOTION was put and was CARRIED.

IN FAVOUR

CR BRAMICH	CR COURTNEY	MAYOR DUNIAM	
CR HYLAND	CR ROBERTS	CR JOHNSTONE	

9.5 QUARTERLY INFORMATION REPORT - COMMUNITY AND ENGAGEMENT

To: Council
Reporting Officer: Director Community and Engagement
Responsible Manager: General Manager
Report Date: 28 March 2023
File Reference: Community and Engagement
Enclosures: Nil

PURPOSE

To provide statistical information and a quarterly update on the activities of the Community and Engagement Department. This report covers the following areas:

- Customer Services
- Community Activation
- Tourism and Marketing
- Communications
- Wonders of Wynyard
- Warawyn Early Learning

BACKGROUND

The quarterly report is to provide to provide an overview of statistical information on the activities of Council for each department.

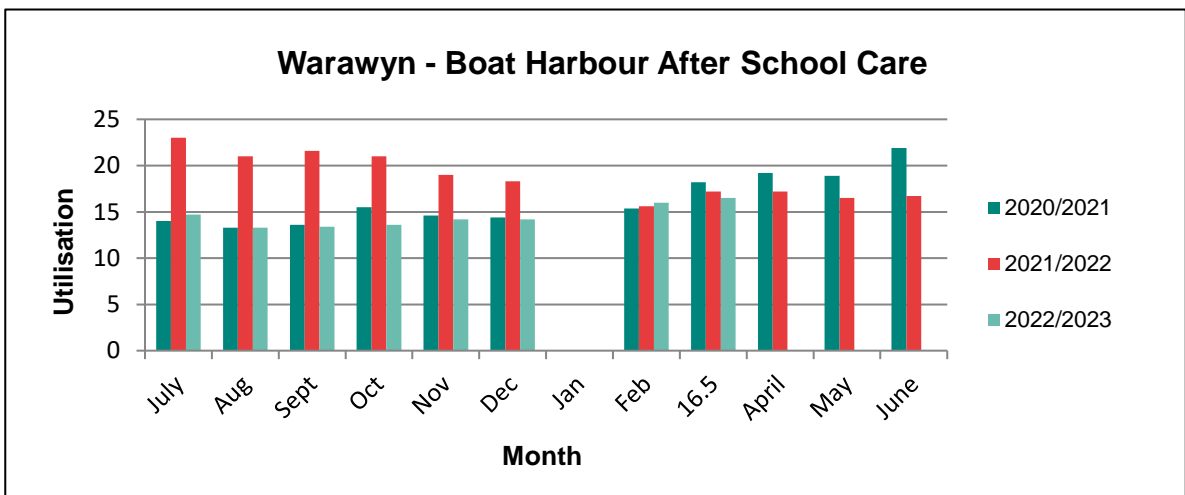
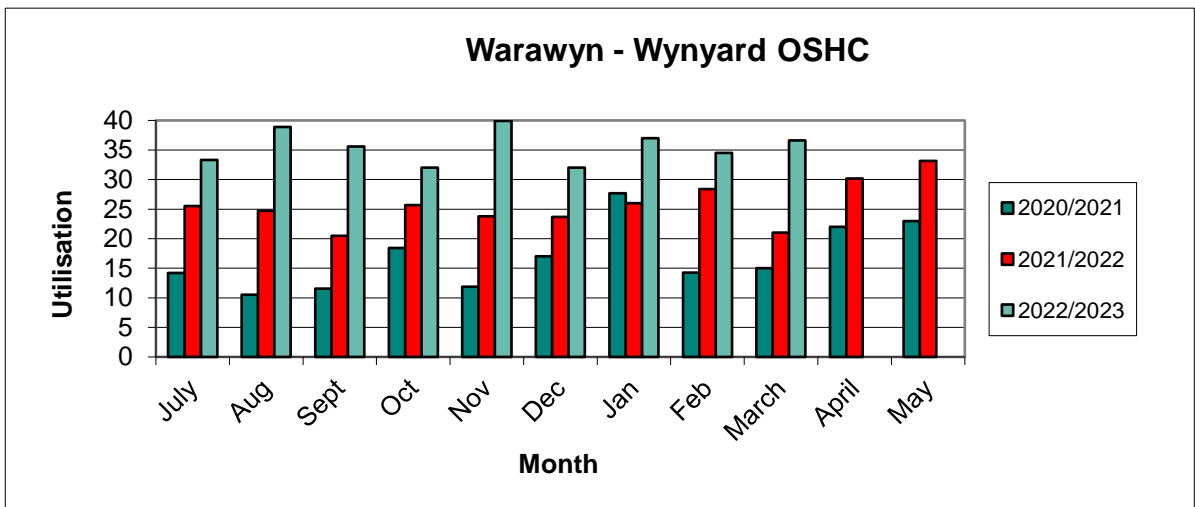
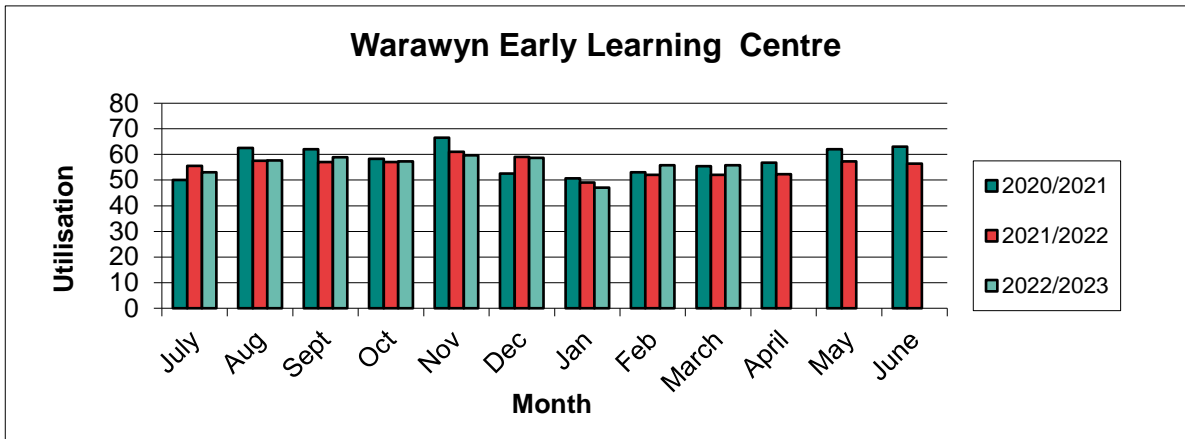
Following a review of organisational reporting with the aim of ensuring consistent and improved information sharing to Council a quarterly Information Report is provided each quarter for each Directorate with a snapshot of activities undertaken.

DETAILS

This report contains statistical and anecdotal information on the activities, projects and programs being delivered. The strategic context for these actions comes from a range of strategy documents including Health and Wellbeing, Age Friendly Communities and Youth Plans. The Open Space Sport and Recreation Plan, Communications and Tourism Plan.

Information provided will be refined over each reporting period as measurable outcomes and feedback is captured.

Warawyn EARLY YEARS



Wynyard Show

Partnerships are embedded in every aspect of practice at Warawyn early Learning. Engaging meaningfully with our community promotes understanding and provides a genuine opportunity for relationship-building and collaboration. Educators have developed strong relationships with many different organisations, colleagues, and community members to enhance educational programs for the children and our service. These reciprocal relationships provide an opportunity to learn from each other, share ideas and plan for continuous improvement.

Our community engagement program with the Wynyard Show is meaningful, and mutually beneficial. Through this partnership children engage in a range of projects, art, cooking and creative experiences that is shared and celebrated through the show platform.

Children celebrate the community they live in through these experiences.



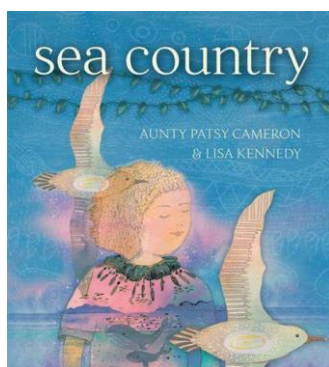
Australian Reading Hour

Australian reading hour is celebrated on Thursday 9 March across the nation, an opportunity to share stories and talk with children about books.

In line with *Move Well Eat Well* recommendations our service purchased *Sea Country* a book by *Aunty Patsy Cameron & Lisa Kennedy* which was read to the children across the day.

In this delightful children's picture book, Aunty Patsy Cameron generously shares the stories and traditions from her family's seasonal island life in Tasmania.

With evocative text and stunning illustrations, *Sea Country* lets the reader know when to pick ripe cherries, when the moon (mutton) birds fly home and how the nautilus shells smell like the deepest oceans.



Harmony Week

Harmony week 20-26 March is about celebrating the wonderful diversity of Australia, bringing together people from all walks of life.

Australia is a vibrant and multicultural country — from the oldest continuous culture of our first Australians to the cultures of our newest arrivals from around the world.

Our cultural diversity is one of our greatest strengths and is at the heart of who we are. It makes Australia a great place to live.

An integrated multicultural Australia is an integral part of our national identity. All people who migrate to Australia bring with them some of their own cultural and religious traditions, as well as taking on many new traditions. Collectively, these traditions have enriched our nation.

To help us celebrate Harmony Week at the Child Care Centre we invited families to share a valued tradition, a traditional dance, song, recipe, or something special celebrated within their family.



COMMUNITY ACTIVATION

Customer Service

The data for the period covering 9 January 2023 through to 28 March 2023 indicates that Council is responding to approximately 8 requests for service per day, which is slightly higher to service request volume received in the last reporting period.

Quick Statistics

9 January 2023 to 28 March 2023

- 472 requests for service registered in Conquest (Customer Request System).
- 433 have been actioned and completed.
- 39 requests are currently open in Conquest and being progressed.
- 48 requests are “Closed but not Complete” (Require further resource allocation).
- 41 requests were from Waratah.

Waste and Recycling

Continued to monitor the use of Waste and Recycling Hub that has been set up in the Council foyer. Recycling for small electronic items has been the most utilised by the community for recycling over this reporting period, but all of the recycling options are still being utilised.

Recreation

Gone Nuts Event – Once again Gone Nuts 101 competitors ran along beaches, through the bush, over Table Cape and riverside. This year spectators were able to see the action at the finish line at the multipurpose building, hosting the Wynyard Yacht Club. The event organisers worked collaboratively with Council and community groups to offer food and drinks, along with a modern facility with new showers and toilets to participants.



Public Art

Waratah Tassie Tigers – As part of the Waratah Community Plan process, feedback was received from Waratah community members that they would like to see public art featuring Tassie Tigers in their community. A number of Tassie Tigers have now been fabricated and the Public Art Advisory Group have worked alongside the Waratah Community Board to select sites for installation.

Cam River Reserve Boat – Decommissioning of the existing boat will occur after the opening of the new All Abilities Playground, located at ANZAC Park, across the road. The existing Cam River boat has been degrading and no longer meets Australian playground standards. The structure cannot be repaired, and it is not financially feasible to bring the existing structure to contemporary playground standards. Local artists Adam and Clarissa Horne were the successful tenders in the commission. Of note in the artist's submission was the involvement of Somerset Primary School students the design of the story oars to accompany the boat. The opportunity for the children to contribute to the design and see their work taking pride of place in the community is a feature of the project.

Events

Sunday Wynyard Foreshore Market – We are excited to welcome Terrapin in association with Ten Days on the Island to the Wynyard Foreshore Market in March. Roving the market will be their amazing puppetry as a part of this year's HEAP performance.



Australia Day Awards – The free Aussie Breakfast was held in Gutteridge Gardens on Thursday 26 January to celebrate Australia Day. The event was well supported by community with hundreds of people attending to enjoy their breakfast of pancakes, fruit and damper. The Lions Club were on hand to dish up BBQ eggs and bacon roll, and the Rotary Club hosted a family fun day of events. Waratah-Wynyard's Australia Day Ambassador for 2023 was Vicki Purnell (OAM).



Waratah Wood Chopping Competition – In February Tasmania’s best axe men and women, along with historical machinery, the Vikings of Midgard, vintage cars, bikes and an undercover market were all on display at Waratah. Waratah-Wynyard Council, along with local businesses, were pleased to sponsor this premier event that showcased the delightful town of Waratah.



Spring Loaded 2023, Bloom Time! The dates for Spring Loaded month-long program of events have been confirmed. Kicking off on Sunday 1 October with Tunes in the Tulips on Table Cape, and concluding on Tuesday 31 October, this year’s program promises to be

bigger and better than ever. Staff have already commenced planning in preparation for a blooming good time for all of the community!

Tulip Festival 2023 The Waratah-Wynyard Council Tulip Festival is held each year on the second Saturday in October. Staff have commenced arrangements to make sure that this year's Tulip Festival, on Saturday 14 October, is one not to be missed.



Youth

Waratah Wynyard Youth Leaders- met regularly throughout the quarter. The Youth leaders engaged in a number of projects, including setting a timeline of activities and events for the coming calendar year.

Waratah-Wynyard Youth Leaders – joined forces with the team at 7UP to organise a cleanup to occur at the skate park and surrounds. They also started a recruitment drive to draw new members into the group.

All Abilities Playground ANZAC Park – Council staff worked alongside the Fairy Godmothers to set up an event to celebrate the impending opening of the new park. On Easter weekend there will be a Somerset Surf Club BBQ, Sweet Treats Ice-cream, Bella Roux Coffee, FREE face painting and a live broadcast by Coast FM.

Health and Wellbeing

Breathe, Eat, Move, Relax Project – This two-year project concluded in December. The Project Officer finalised work at the community gardens, with the directories and Qigong sessions, and set them up to be sustainable beyond the conclusion of the funding. The final meeting between the funding body and Council occurred in early March.

Light Up for Feeding Tube Awareness – in February Council supported Feeding Tube Awareness Week by lighting up the foyer in purple. Council assisted in raising awareness by sharing resources and information about the feeding tube community.

Vincent Industries Awareness – Council assisted Vincent Industries in their education campaign regarding items that can and can't be donated.

Clean up Australia Day – Resources regarding Clean Up Australia Day, including how to register to be part of the clean-up and where to get a free clean up kit and more information where shared with the community to increase participation in this very important national event.



Neighbourhood Day – this is a year-round campaign with a dedicated day of action in March. Through its community networks, Council shared information about a \$2000 grant that is available for participants to host activities that focus on reducing loneliness and creating meaningful connections.

International Women's Day – Councillors joined forces with BighArt, Wynyard High School, Vincent Industries and the wider community to offer Women at the Watershed Wynyard. This event incorporated a print making session with local artist, Nadia Murphy, and a panel of inspiring local women sharing their stories of pursuing dreams and pushing past limitations. The event was funded by a grant from the Department of Premier and Cabinet.

Harmony Week - Council put together a resource flier filled with community activities as part of Harmony Week 2023. Offerings included Live Well's Eat Wild event, 7Up's Harmony Day after school session, special activities at the Wynyard Library along with activities at Farm it Forward in Somerset.

Age Friendly Communities

Wynyard Historical Society – The gold coin donations from the Aussie Breakfast Pancake Stall hosted by Waratah-Wynyard Council volunteers on 26 January were presented to the Wynyard Historical Society. Councillor Gary Bramich is pictured with Secretary Lyn

Hookway and President Darryl Wilson at their meeting. \$232.95 will support the preservation of our local stories and changing landscape.



Community Health and Wellbeing Plan, Age-Friendly Communities Plan and Youth Plan (YPLAN) 2019-2024 - an annual status update for these three community plans was delivered to Council in the March Meeting.

Cemetery Strategy - Waratah-Wynyard Council is committed to providing a consistent and strategic approach to cemetery services. The Cemetery Strategy has been developed to define Council's role in the provision of cemetery services and to ensure that the services are aligned with the needs of the community and are met both now and into the future. Council's first Cemetery Strategy was adopted by Council at the March meeting.

Community Assistance

- Waratah Men's Shed - Waratah Woodchopping Carnival- Fencing, steel droppers, photocopying
Value \$605
- Rotary Club of Somerset – Australia Day – Bean Bags, garbage bins, power box
Value \$620
- U3A - Newsletter photo copying
Value \$2800

-
- Wynyard Agricultural Pastoral Society – Wynyard Show – bunting flags, picnic tables, steel droppers, post caps, street banner
Value \$2300

Community Activation Grants

Successful applicants for the Community Activation Grant, Round 2 were:

Oldina Landcare, Somerset Surf Lifesaving, U3A, Wynyard Garden Club, Wynyard Landcare, Wynyard Lions Club, Wynyard Volunteer Marine Rescue, Yolla Football Club.

Use of Facility Requests

Between 9 January and 28 March, Community Activation have accepted and processed 30 Use of Facility requests.

Emergency Management

There have not been any significant events over the last three months which have required a response above normal operations by Council .

Officers attended the Regional Emergency Management Committee meeting held 8 February 2023. A presentation on the Tasmanian Emergency Management System was provided. This system provides a common platform for interagency Emergency Management (EM) coordination.

At a regional level, an After-Action Review was conducted for the October 2022 severe weather event and learning shared.

An inaugural North West Council EM coordinator meeting was held on 22 March 2022, the purpose was to discuss the merits of establishing a forum for Council EM Coordinators and EM Recovery Managers to share information, resources and promote best practice EM across the Councils etc. It was agreed that meetings were to occur three monthly in conjunction with the REMC.

The Western Emergency Management Committee has been in a hiatus since late 2022 due to a number of staff movements requiring new coordinators to be appointed.

The next meeting of the WEMC is to occur following the May REMC meeting, with a focus on the committee terms of reference, risk registers and updating the combined municipal plan.

Waratah Community Board

The Waratah Community Board have held meetings in January, February, and March 2023. The initial meeting was an induction of Board members. The February meeting focused on development of an implementation plan for the Waratah Community Plan. The March meeting focused on development of a Communication Strategy to guide the Board in engaging with stakeholders.

TOURSIM

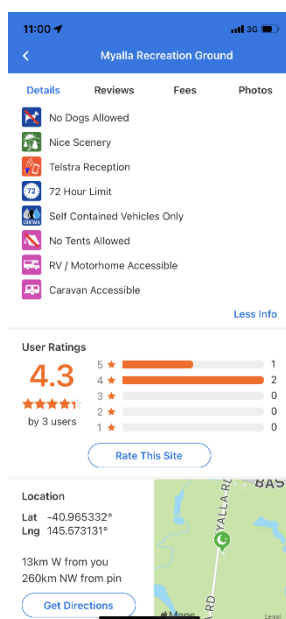
General Summary

Projects

- State Growth have installed the Whyte Hills Lookout road signage; directing tourists to the Western Wilds Extinction Story Art installation completed last year.

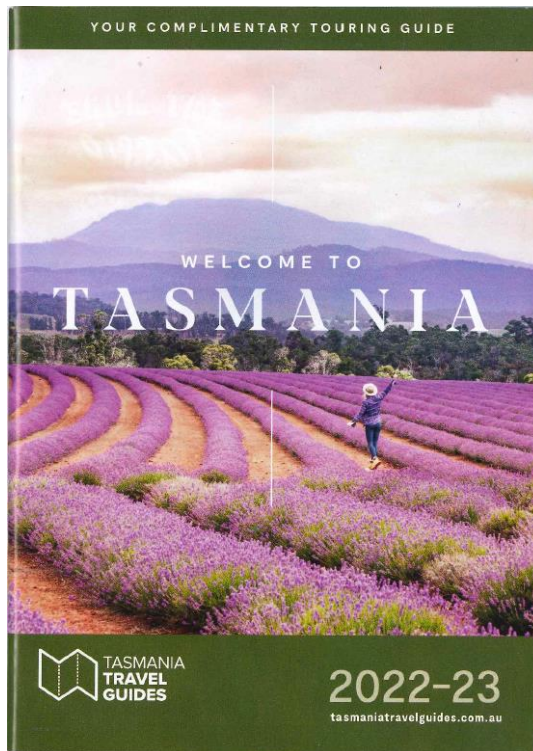


- Table Cape Amenities –Working through initial stakeholder response report and preliminary design process with consultants
- Myalla camping – in place and operational. Listed on Wikicamps, donation box installed and payments can also be made at WOW



Promotion/advertising

- 12 month contract for brochure display on the Sprits of Tasmania renewed
- Welcome to Tasmania brochure advertising double spread in market for next 12 months
- Promotional items supplied from WOW to the Wynyard Yacht Club for the welcome packs for HANSA National titles



Waratah
Waratah sits on the edge of the takayna / Tarkine wilderness and, unusually, features a breathtaking waterfall in the heart of the town. Waratah's tin mine changed the financial fortunes of Tasmania while tin mining has long since ended here, its legacy lives on in the historic buildings, including the Waratah Courthouse Museum, with its local artefacts, stories and photos. Worthy nearby bushwalks include Hellyer Gorge, the dramatic Philosopher Falls and Whyta Hills Lookout. discovertasmania.com.au/places/north-west/waratah

Wilmot
The last township before Cradle Mountain, at the edge of the wilderness, Wilmot has a rich pioneering history. The area is touted as the "Valley of Views" – stop at Wilmot Lookout for spectacular panoramas of Lake Barrington and Tasmania's northern mountains. The town is also known for its quirky letterbox trail, with novelty letterboxes created by local residents from an array of materials. discovertasmania.com.au/places/north-west/wilmot

Wynyard
Magnificent Table Cape is Wynyard's most remarkable natural wonder, dominating the coastline and providing spectacular views of the north-west coast. Each spring, the Cape's tulip farm bursts into colour and visitors can wander photogenic rows of blooms. Stroll the cliff-top walking track to Table Cape Lighthouse and explore the history of the region through art and nostalgia at the fascinating Wonders of Wynyard Exhibition and Visitor Information Centre. discovertasmania.com.au/places/north-west/wynyard

Zeehan
Nicknamed "Silver City", Zeehan grew to be Tasmania's third largest town in the late 1800s after tin, silver and lead were discovered, sparking the west's largest mining boom. Head to the West Coast Heritage Centre, with its excellent displays on the area's palatka (Tasmanian Aboriginal), pioneering and mining past, an extensive mineral collection, old locomotives and mining equipment. Hills Mount Zeehan for magnificent west-coast views, or explore the Spray Tunnel, a 100m-long abandoned railway tunnel on the town's outskirts. discovertasmania.com.au/places/west-coast/zeehan

TASMAZIA & THE VILLAGE OF LOWER CRACKPOT
500 Staverton Road, Promised Land | (03) 6491 1934 | Map: Pg 99, L7 www.tasmania.com.au | enquiries@tasmania.com.au
Tasmania's premier family attraction! Situated on the scenic route to Cradle Mountain at the entrance to the Lake Barrington Rowing Course, Tasmazia is for the child in all of us with 8 metres in magical garden settings, the wacky Village of Lower Crackpot, Embassy Gardens & the best ladies loo on the planet. Great Gift shop. Picnics welcome. Open 7 days: 10am - 4pm. Closed Christmas Day. Please check website for updates.

THE SHIP THAT NEVER WAS
The Richard Davey Amphitheatre, outside the Visitor Centre, Strahan www.roundearth.com.au | ship@roundearth.com.au | 0476 651 089 or 0406 517 124
In January 1834, ten convicts steal a ship and sail to Chile! Australia's longest running play tells the dramatic and hilarious true story about the last great escape from South Island. Fun, interactive, family entertainment. The play runs 1 hour 15mins. Performed daily at 5.30pm (early Sept-end of May). Bookings essential. Contact us for information about winter performances (June to August).



WINNER
Australian Tourism Awards 2021 Gold
Visitor Information Services

colour OUTSIDE THE LINES

When everything seems to be going against you, remember that airplanes take off against the wind, not with it.
Henry Ford (a real social influencer)

Have you ever thought about what life would be like without the innovation of Henry Ford and other leaders in the world's automobile industry? Visit our world-class collection of veteran cars (which includes the equal oldest Ford in the world), and wonder at the beauty of the design, technology and innovation that helped shape society as we know it.

- VETERAN CAR MUSEUM
- ART GALLERY
- LOCAL HISTORY
- BIKE HIRE
- TASMANIAN PRODUCE
- VISITOR INFORMATION

Wonders of Wynyard
8 Exhibition Link, Wynyard TAS 7320
ph: 6443 8330 | wow@wondersofwynyard.com.au
www.wondersofwynyard.com

INFORMATION STARTS WITH
www.startwithi.com.au

Whether you're planning your visit or already here ask a local because we know our beautiful island best!

Let us share our favourite places and things to do to create your most memorable holiday ever and our friendly and knowledgeable visitor centre staff can take care of all your bookings for you too.

Devonport	(03) 6420 2900
Daloraine	(03) 6362 5280
Exeter	1800 637 989
George Town	(03) 6382 1700
Hobart	(03) 6238 4222
Launceston	1800 651 827
Sheffield	(03) 6491 1179
St. Helens	(03) 6376 1744
Strahan	(03) 6472 6800
Ulverstone	(03) 6425 2839
Wynyard	(03) 6443 8330

Contact visitor information centres around Tasmania for:-
Free information and itinerary planning - Information and booking services for accommodation and tours - Information on attractions, events, retail outlets and local services - Information on road conditions and transport options - Maps and directional information
Unbiased local knowledge

Table Cape Lighthouse

- Current tour operator Bruny island Safaris notified Council that they will be ceasing operation after Easter.

Cruise ship season for WOW

- 16 cruise ships booked
- 3 cruises cancelled (loss of 7 busses and 161 confirmed WOW visitors)
- 26 bus tours to WOW
- 1028 passengers visited WOW
- \$6682 income from car ticket sales
- Over \$17,000 merchandise sales income for cruise days

Lap of Tasmania Award recognition for WOW

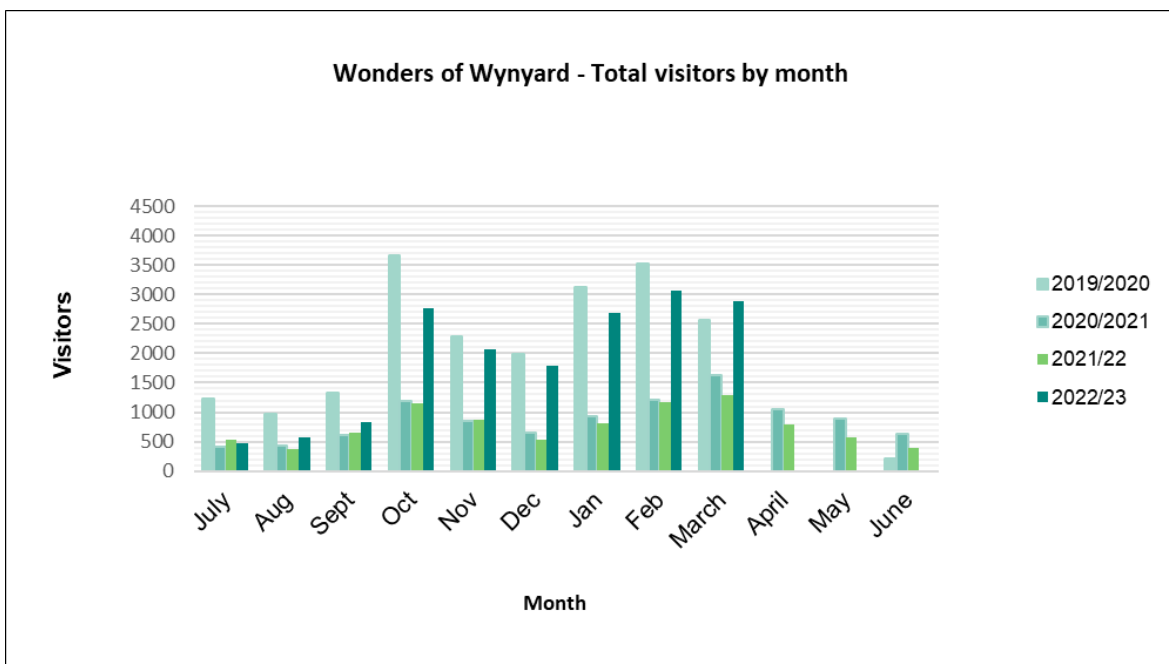
Lap of Tasmania is an independent tourism website that hosted an award for customer service inviting nominations from the general public. Wonders of Wynyard was one of only eight Tasmanian tourism businesses that were nominated to receive a special mention (see judge's comment below).

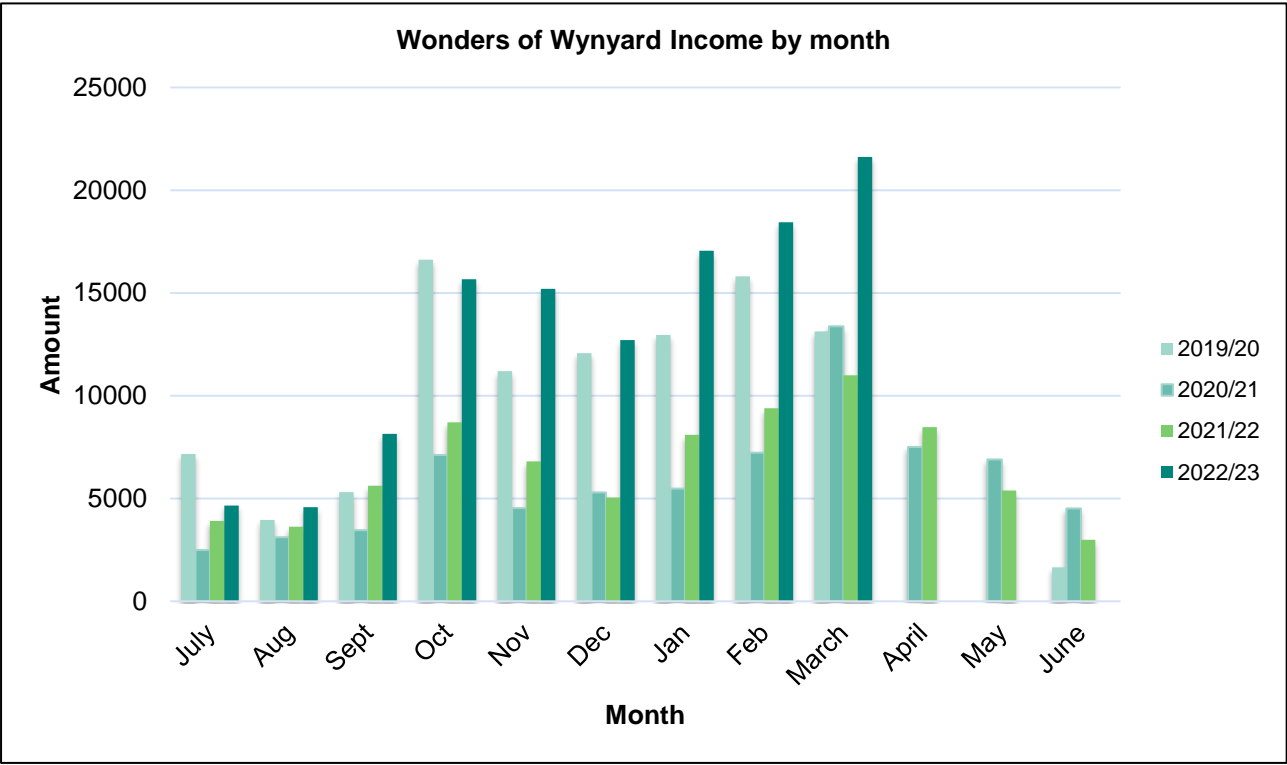
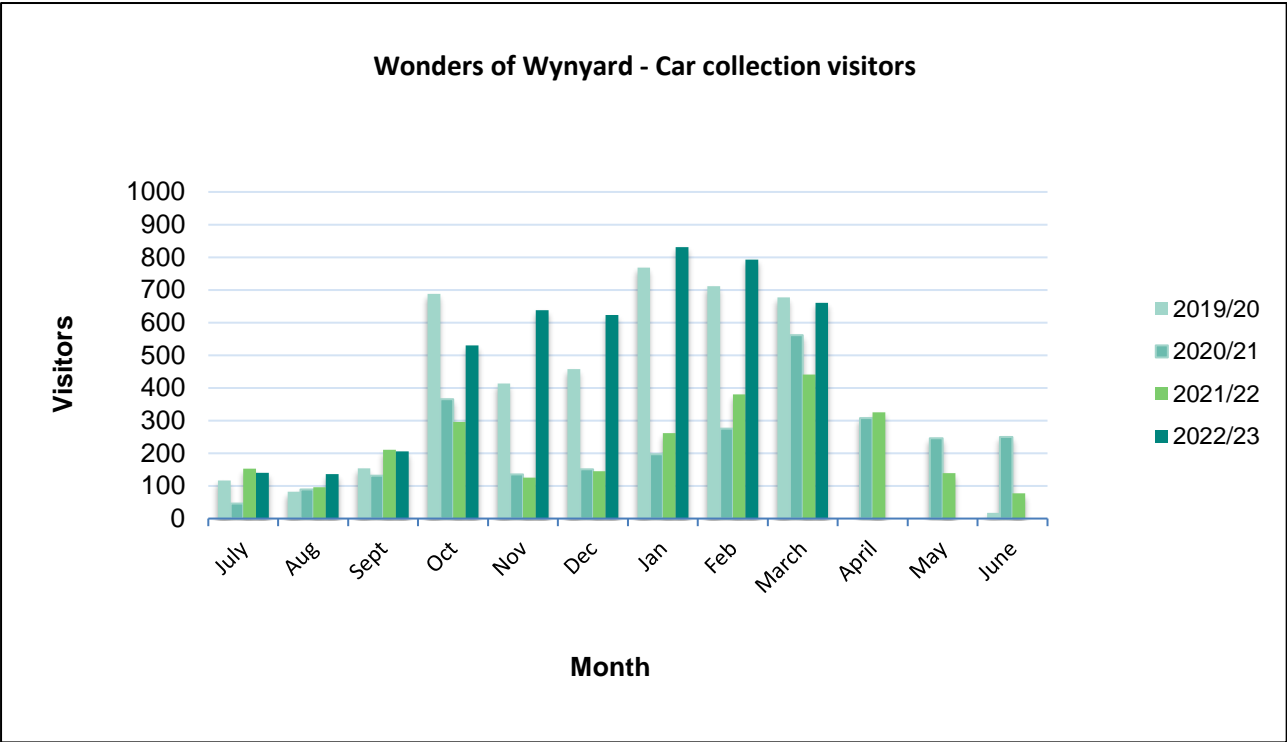
“Wonders of Wynyard Visitor Information Centre – It is easy to see why the team at Wonders of Wynyard represent their region so strongly at the annual Tasmanian Tourism Awards. Our community praised them for going the extra mile in helping them to plan and enjoy the perfect itinerary up in Tassie’s north west.”

Tourism statistics January-March 2023

Wonders of Wynyard

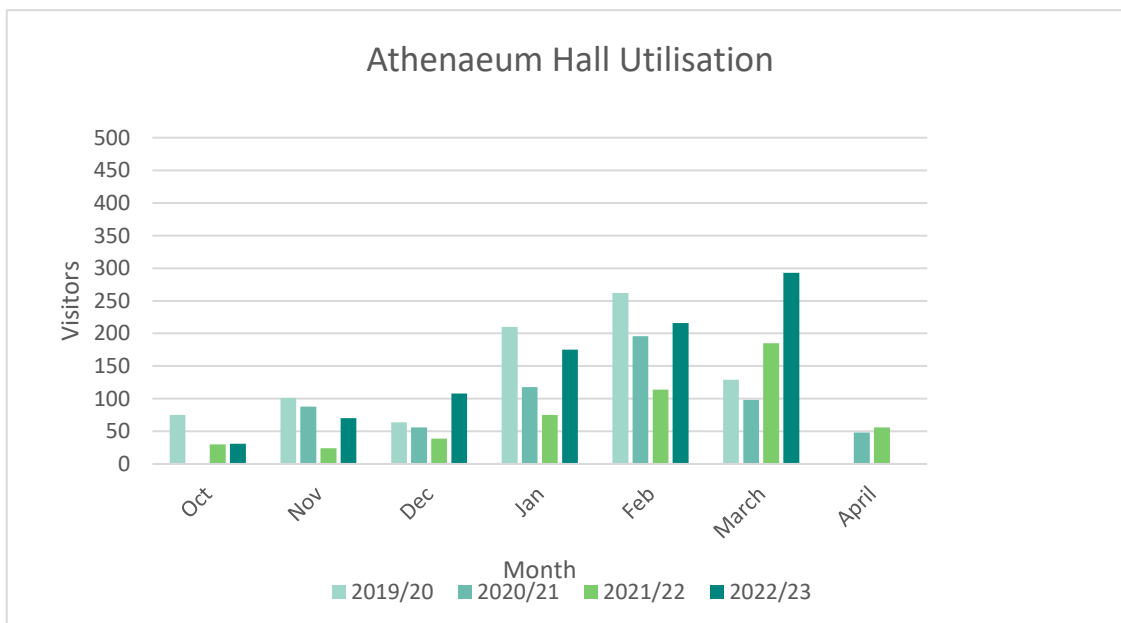
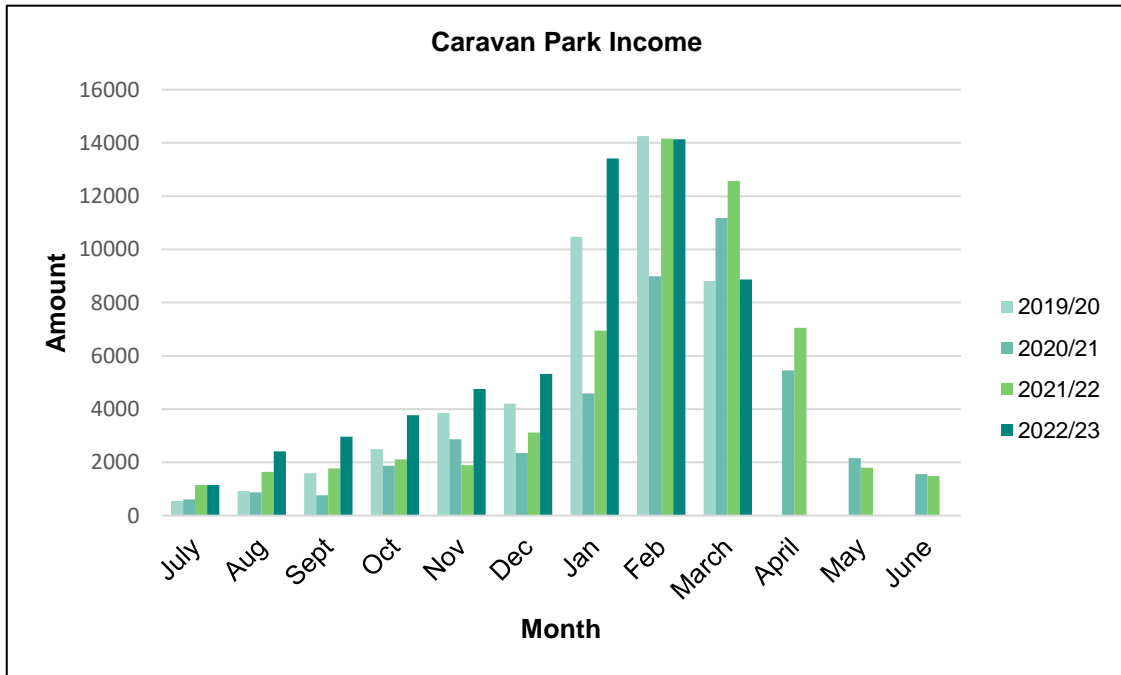
- Visitor numbers for the Jan-March quarter are up 163% on last year and are only 6% down on the 2019/20 pre-covid year.
- Car ticket sales - up 110% on last year with a total of 2284 tickets sold for the quarter. Pleasingly this is an increase of 6% on 2019/20 pre-covid year, indicating sustained interest in the car collection as an attraction in its own right and an increased percentage of total visitors converting to car visitors (23% to 26%)
- Income – up 100% on same quarter last year and a whopping 36% increase on 2019/20 pre-covid year!
- All three months posted the highest ever recorded income for their respective months in the opening history of WOW, with Jan total of \$17,051 up 35% on previous record in Jan 2020, Feb total of \$18,448 up 17% on previous record of \$15,814 set in Feb 2020 and March total of \$21,611 our highest ever monthly total and 17% higher than previous March record of \$18,483 in 2018.





WARATAH

- Athenaeum Hall will close for the season on Sunday 22 April. Numbers for the quarter were up 82% on last year and up 14% on pre-covid year, suggesting the changed operating hours and shift to after hours bookings for the caravan park being taken on weekends from the Hall has had a positive impact on visitation.
- The Waratah Caravan Park saw increased visitation of 26% on last year recorded an all-time record high quarterly income, (despite hot water issues at the park during March necessitating a reduction in fees whilst repairs were undertaken).



STATUTORY IMPLICATIONS

Statutory Requirements

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

Strategic Plan Reference

GOAL 3: Connected Communities
Desired Outcomes
3.5 Our community uses its voice to shape its future alongside a strong Council willing to listen and implement where reasonable and practical.
Our Priorities
13.1 Facilitate the meeting of community needs through strong advocacy and local and regional collaboration for shared outcomes.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Business & Industry	Specialised diversity of the economy – Value adding, diversification, innovation and employment. A resilient economy with global brand recognition and growing exports.
Tourism	Memorable visitor experiences all year round – The must see destination, quality product, easy access, popular events and festivals with coordinated marketing. A longer season with increasing yields.
Strong communities and social capital	Enduring community capital – Growing, proud, self-reliant communities that are inclusive and engaged with volunteers and shared facilities.
Access and infrastructure	Local, regional and global transport and infrastructure access – Safe and efficient access alternatives, growing freight capacity, renewable energy, water management and contemporary communications. Community infrastructure that supports economic development.
Natural resource management	Managing abundant, natural and productive resources – Natural resource management is valued and development is environmentally sustainable. The environment is clean and healthy with unspoilt beauty and biodiversity.
Health and Wellbeing	Maintaining good health and wellbeing – Healthy communities, people taking responsibility for their wellness, convenient access to medical services and facilities.
Education	Lifelong learning and education – Education and lifelong learning is valued and there is access to vocational training and tertiary education. Education retention rates have increased.
Place making and liveability	Liveable places for all ages – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.

POLICY IMPLICATIONS

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

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

Community and Engagement delivers a wide range of activities which directly impact on the health and wellbeing of the community. This report provides an overview of a selection of those activities. It is recommended that the report be noted.

MOVED BY	CR BRAMICH
SECONDED BY	CR HYLAND


That Council note the Quarterly Information Report for the Community and Engagement Department as at 31 March 2023.

The MOTION was put and was CARRIED.

IN FAVOUR

CR BRAMICH	CR COURTNEY	MAYOR DUNIAM	
CR HYLAND	CR ROBERTS	CR JOHNSTONE	

9.6 ANNUAL PLAN UPDATE REPORT 1 JULY 2022 TO 31 MARCH 2023

To: Council
Reporting Officer: Information Management Officer
Responsible Manager: Director Organisational Performance
Report Date: 5 April 2023
File Reference: Corporate Management - Planning
Enclosures: 1. Annual Plan Performance Report - March 2023 

PURPOSE

This report is provided as an update on the Annual Plan progress as at 31 March 2023.

By providing a regular update, Council can see how the organisation is tracking in the delivery of commitments made to the community through the Annual Plan.

BACKGROUND

The Annual Plan and Budget Estimates is developed by Council each year, outlining key activities and initiatives for the year.

The Council adopted the 2022/23 Annual Plan and Budget Estimates on 20 June 2022.

The strategic planning framework guides Council in identifying community needs and aspirations over the long term (Our Mission, Vision & Values), medium term (Strategic Plan) and short term (Annual Plan and Budget Estimates) and holds itself accountable through the Audited Financial Statements and Annual Report.

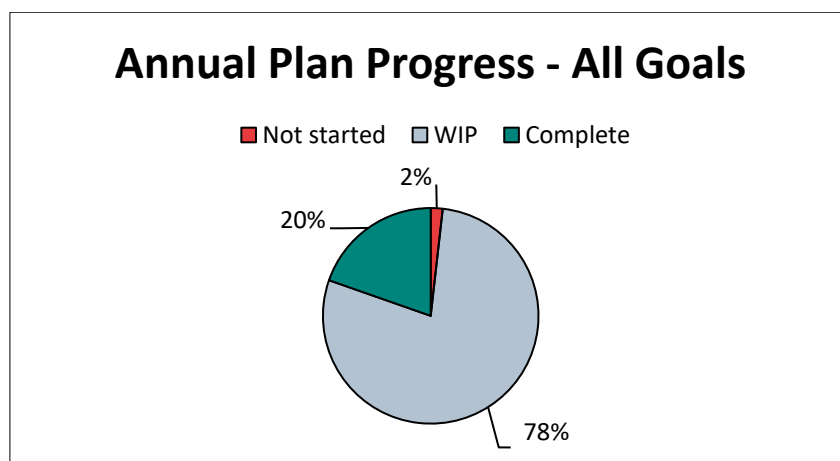
The activities and initiatives included in the Annual Plan and Budget Estimates contribute to achieving the strategic objectives specified in the Strategic Plan.

DETAILS

The **attached** report provides a progress report of actions against the Council's Annual Plan for 2022/23.

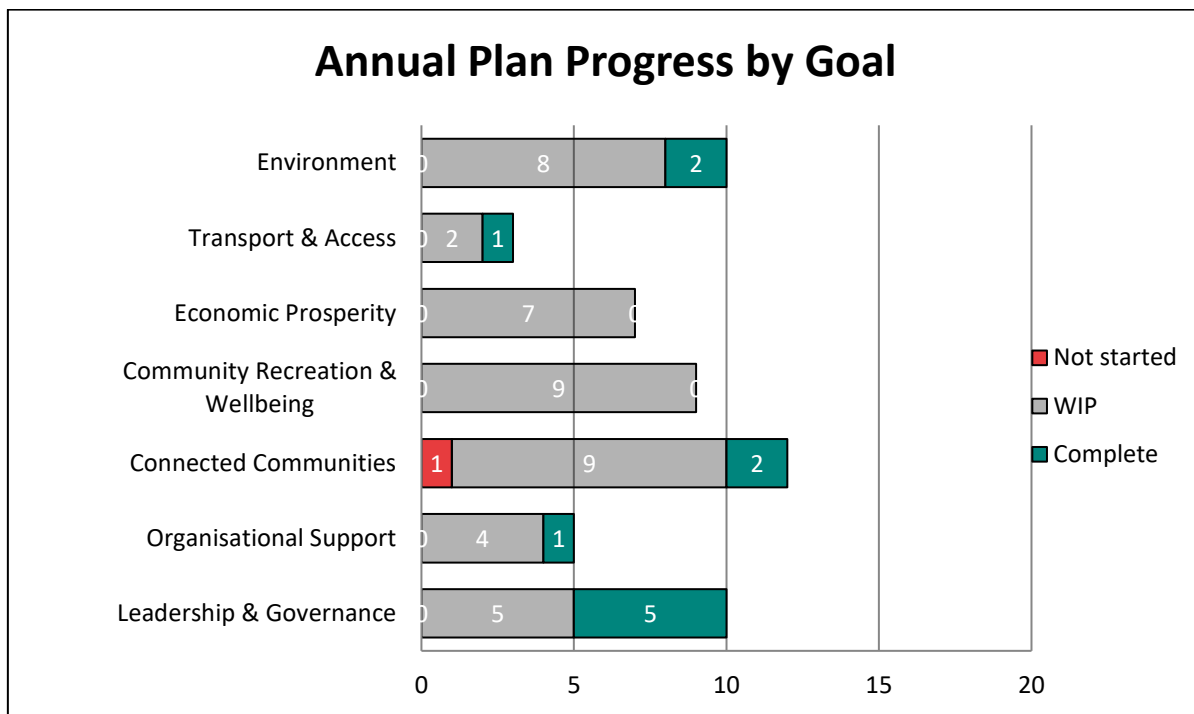
As of 31 March 2023, 44 actions are in progress (78%), 1 has not started (2%), and 11 actions have been fully completed (20%).

There was a total of 56 actions adopted in the Annual Plan and Budget. The below graphs present overall progress of the actions to date.



- 11 actions completed
- 31 actions at least 90% of monthly target
- 2 actions between 70% – 90% complete
- 10 actions at less than 70% complete
- 1 listed as deferred
- 1 actions not started

The following graph outlines progress against each of Council’s strategic goals:



STATUTORY IMPLICATIONS

Statutory Requirements

The Annual Plan is prepared as part of the Budget Estimate process and is required under the Local Government Act 1993:

71. *Annual plan*
- (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. The Annual Plan is part of a larger strategic planning framework.*

STRATEGIC IMPLICATIONS

Strategic Plan Reference

The plan is consistent with the Waratah-Wynyard Corporate Strategic Plan 2017/27 and the Sustainable Murchison Community Plan 2040.

Council Strategy or Plan	Date Adopted:
Annual Plan and Budget Estimates 2022/23	20 June 2022

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

It is recommended that the Annual Plan report be noted.

MOVED BY	CR COURTNEY
SECONDED BY	CR BRAMICH

That Council note the Annual Plan Update Report for the period 1 July 2022 to 31 March 2023.

The MOTION was put and was CARRIED.

IN FAVOUR

CR BRAMICH	CR COURTNEY	MAYOR DUNIAM	
CR HYLAND	CR ROBERTS	CR JOHNSTONE	

9.7 FINANCIAL REPORT FOR THE PERIOD ENDED 31 MARCH 2023

To: Council
Reporting Officer: Manager Financial Services
Responsible Manager: Manager Financial Services
Report Date: 4 April 2023
File Reference: Financial Management - Reporting - Council
Enclosures: 1. Monthly Capital Progress Report - March 

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
- Investments
- Rate Summary
- Grant Summary
- Operating Performance by Department
- Capital Works Summary
- Capital Works Progress Report (attached)

DETAILS

Council's year to date financial performance is consistent with the budget estimates. A number of favourable and unfavourable variances have been identified. Overall Council's results are expected to be within the budget set by Council.

Commentary on known forecast variances identified to date is provided throughout the report.

STATUTORY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

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

Council Strategy or Plan Reference

Council Strategy or Plan	Date Adopted:
Financial Management Strategy 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.

MOVED BY	CR COURTNEY
SECONDED BY	CR ROBERTS


That Council note the Financial Report for the period ended 31 March 2023

The MOTION was put and was CARRIED.

IN FAVOUR

CR BRAMICH	CR COURTNEY	MAYOR DUNIAM	
CR HYLAND	CR ROBERTS	CR JOHNSTONE	

9.8 SENIOR MANAGEMENT REPORT

To: Council
Reporting Officer: Executive Officer
Responsible Manager: General Manager
Report Date: 16 March 2023
File Reference: 1312
Enclosures: 1. Correspondence - Minister for Primary Industries and Water, the Hon Jo Palmer MLC re Management of Foxglove 

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 11 March 6 April 2023

Corporate

- Continued to participate in relevant meetings relating to development of Council's Digital Transformation Strategy
- Significant internal work is underway to prepare the 2023/24 annual plan and budget estimates
- Council staff held a morning tea to recognise Harmony Day
- Participated in recruitment processes for vacant Marketing and Communications Officer role
- Participated in Waratah-Wynyard Council Audit Panel meeting
- Met with representatives of the Commonwealth Bank to discuss new products and services, industry updates and provide an overview of Council's plans and priorities
- Council's Plant and Building Maintenance Coordinator, Shane Whitely retired after 47 years' service and a farewell event was held to recognise his contribution

Community

- Met with representatives of the Brumby Hill Aboriginal Corp regarding their Indigenous Skills and Employment Program

Industry

- Attended a meeting of the Cradle Coast Authority Representatives. Senator Anne Urquhart was the guest speaker
- Attended the Business North West Business Breakfast with guest speakers Anita Dow, Shane Broad & Janie Finlay from the Tasmanian Labor Party

- Attended the Business North West Business Breakfast with guest speaker Simon Overland, General Manager, Burnie City Council providing an overview of their strategic planning process underway
- Attended the LGAT General Meeting
- Attended the LG Professionals North West branch meeting, hosted at the Wynyard Yacht Club and presented an overview of the Wynyard Waterfront and Environs Masterplan

Other

- With the Mayor and Deputy Mayor, met with Senator Anne Urquhart to discuss current Council issues and project progress
- With the Mayor, met with Anita Dow to discuss current Council issues and project progress

Management of Foxglove

In Council's ongoing advocacy to support the management of Foxglove, correspondence has been received from Minister for Primary Industries and Water, the Hon Jo Palmer MLC, advising of ongoing works to have Foxglove managed under the *Biosecurity Act 2019*. The letter is attached for reference.

ADMINISTRATION – Use of Corporate Seal

30/3/23	Final Plan and Schedule of Easements	SD2142 – 5-7 Smith Street Waratah (boundary reconfiguration)
30/3/23	Final Plan and Schedule of Easements	SD2113 – 15 New Street Wynyard (1 into 2 lots)

MOVED BY	CR COURTNEY
SECONDED BY	CR ROBERTS

That Council note the monthly Senior Management Report.




The MOTION was put and was CARRIED.

IN FAVOUR

CR BRAMICH	CR COURTNEY	MAYOR DUNIAM	
CR HYLAND	CR ROBERTS	CR JOHNSTONE	

9.9 MINUTES OF OTHER BODIES/COMMITTEES

9.9.1 MINUTES OF OTHER BODIES/COMMITTEES - SUSTAINABILITY AND ENVIRONMENTAL ADVISORY PANEL HELD 21 MARCH 2023

To:	Council
Reporting Officer:	Director Infrastructure and Development Services
Responsible Manager:	General Manager
Report Date:	5 April 2023
File Reference:	SEAP
Enclosures:	1. SEAP Confirmed minutes 31 January 2023  2. SEAP Unconfirmed minutes 21 March 2023  3. Supporting paper - Sponsorship Signage Policy 

PURPOSE

The Confirmed Minutes of the Sustainability and Environmental Advisory Panel (SEAP) meeting held on 31 January 2023, are presented for information. Additionally, the unconfirmed minutes of the SEAP meeting held on 21 March 2023 are attached.

From the meeting of 21 March 2023, the SEAP made three (3) recommendations to Council for consideration.

BACKGROUND

After an expression of interest process, Council appointed its first Sustainability and Environmental Advisory Panel (SEAP) at the 26 September 2022 Council meeting.

DETAILS

The recommendations coming from the SEAP meeting for Council consideration are: -

- a. **Council amends its Sponsorship Signage Policy to exclude fossil fuels** – This recommendation was made in regard to the health and climate impacts of fossil fuels as Council has already done in regard to gambling, alcohol and tobacco.

Should council support this action, the above point would be considered at the next review of the Sponsorship Signage Policy and the updated document presented for councillor review.

- b. **Council introduces an annual EcoFair event in conjunction with Spring Loaded** – This recommendation was made to raise awareness in the community and promote sustainable living and a healthy relationship with the environment. Reference was made to Ecofest held recently at Camp Clayton as an inspiration.

There are a number of key events in October 2023 that could coincide with this objective such as Australian Wildlife Week (1-7 October).

- c. **Council participates in the Cities Power Partnership** – Cheryl Durrant of the Australian Climate Council recently presented the Cities Power Partnership program

which represents an opportunity to join dozens of other Councils across the county in leading the way to a zero emissions future by providing the necessary tools, resources, and connections to help accelerate their climate and energy goals.

It was noted that 6 other Tasmanian Councils have joined this initiative along with over 140 across the Country.

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 1: Leadership and Governance
Desired Outcomes
1.3 We encourage broad community input to create a focussed and strong sense of belonging.
Our Priorities
13.1 Facilitate the meeting of community needs through strong advocacy and local and regional collaboration for shared outcomes.

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

GOAL 7: Environment
Desired Outcomes
7.2 The community understands its vulnerabilities and strengths when it comes to climate change adaptation and resilience.
Our Priorities
7.2.1 Support and foster community led adaption and initiatives.

GOAL 7: Environment
Desired Outcomes
7.3 Our natural environment, unique surroundings and community assets are future ready in a changing climate.
Our Priorities
7.3.1 Facilitate education and awareness of climate change risks to the community and property owners.

GOAL 7: Environment
Desired Outcomes
7.5 Stewardship of our land, water and marine ecosystems respects past, present and future generations.
Our Priorities
7.5.1 Protect, enhance and recover biodiversity through forward thinking and planning.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Strong communities and social capital	Enduring community capital – Growing, proud, self-reliant communities that are inclusive and engaged with volunteers and shared facilities.
Access and infrastructure	Local, regional and global transport and infrastructure access – Safe and efficient access alternatives, growing freight capacity, renewable energy, water management and contemporary communications. Community infrastructure that supports economic development.
Natural resource management	Managing abundant, natural and productive resources – Natural resource management is valued and development is environmentally sustainable. The environment is clean and healthy with unspoilt beauty and biodiversity.
Health and Wellbeing	Maintaining good health and wellbeing – Healthy communities, people taking responsibility for their wellness, convenient access to medical services and facilities.
Education	Lifelong learning and education – Education and lifelong learning is valued and there is access to vocational training and tertiary education. Education retention rates have increased.
Place making and liveability	Liveable places for all ages – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.
Governance and working together	Working together for Murchison – Everyone plays a part in achieving the objectives of the Sustainable Murchison Community Plan. There is cooperation, resource sharing and less duplication between Councils. Leadership is provided across all community sectors.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Regarding recommendations from the SEAP meeting of 21 March 2023: -

- a) No existing sponsorship arrangements exist in connection to fossil fuels so no financial implication should be expected
- b) The level of financial implication for Council will depend upon the scale of such an event. In this regard options should be presented to Council for consideration.
- c) The cities Power Partnership opportunity has the capacity to improve Council's ability to meet its net zero carbon emission target by 2030 without financial implications.

RISK IMPLICATIONS

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

CONSULTATION PROCESS

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

COMMENT

It is recommended that note the confirmed and unconfirmed minutes from 31 January 2023 and 21 March 2023 respectively along with endorsement of the three (3) recommendations made by SEAP at the 21 March 2023 meeting.

MOVED BY	CR COURTNEY
SECONDED BY	CR JOHNSTONE

That Council: -



- 1. Note the Confirmed Minutes of the meeting held on 31 January 2023.**
- 2. Note the Unconfirmed Minutes of the meeting held on 21 March 2023.**
- 3. Endorse the recommendations to Council from the meeting held on 21 March 2023 that: -**
 - a. Council amends its Sponsorship Signage Policy to exclude fossil fuels in recognition of their health and climate impacts as Council has already done in regard to gambling, alcohol and tobacco.**
 - b. Council introduces an annual EcoFair event in conjunction with Spring Loaded to raise awareness in the community and promote sustainable living and a healthy relationship with the environment.**
 - c. Council participates in the Cities Power Partnership which represents an opportunity to join dozens of other Councils across the county in leading the way to a zero emissions future by providing the necessary tools, resources, and connections to help accelerate their climate and energy goals.**

The MOTION was put and was CARRIED.

IN FAVOUR

CR BRAMICH	CR COURTNEY	MAYOR DUNIAM	
CR HYLAND	CR ROBERTS	CR JOHNSTONE	

9.9.2 MINUTES OF OTHER BODIES/COMMITTEES - AUDIT PANEL COMMITTEE HELD 28 MARCH 2023

To: Council
Reporting Officer: Information Management Officer
Responsible Manager: Manager Financial Services
Report Date: 12 April 2023
File Reference: Audit Panel
Enclosures: 1. Unconfirmed Audit Panel Minutes of meeting 28 March 2023 
2. Letter from Audit Panel Chair 

PURPOSE

The Audit Panel met on the 28 March 2023 and the unconfirmed Minutes were released by the Chair on the 08 April 2023 and are presented to Council for noting.

BACKGROUND

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

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

The current members of the Shared Panel are:

- Mr Stephen Allen – Audit Panel Chair
- Mrs Lisa Dixon – Audit Panel Member
- Mr Paul Viney – Audit Panel Member

The Audit Panel must hold at least four meetings per year, with a majority of members constituting a quorum.

DETAILS

The Audit Panel met on 28 March 2023 at the Waratah-Wynyard Council.

The meeting reviewed the following standard agenda items:

- Business arising from previous meetings;
- General Manager Risk and Assurance Certificate;
- Communications from Council;
- Financial Management reports presented to Council;
- General Manager's Reports provided to Council;
- Minutes of Safety (OSHWELL) Committee;
- Internal audit progress on supplementary rates;
- Major Initiatives - Annual Plan progress report;
- Quarterly Statistic Report provided to Council.

The major work plan for the meeting covered:

- Financial Management – budgeting process;
- Long-Term Planning – Financial Management Strategy;
- Internal Controls and Risk Management – Risk Management Framework, information technology update, operating risks, suspect and actual frauds, thefts and material breaches of legislation;
- Legal Compliance and Ethics – Council’s Policies and Procedures.

The Panel's next meeting is scheduled to be held on-line on 27 June 2023.

STATUTORY IMPLICATIONS

Statutory Requirements

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

Section 85A of the Act details the Audit Panels' functions to include a review Council's performance concerning financial systems, financial management, governance arrangements, policies, systems and controls, and all plans required under Part 7 of the Act. Section 85B of the Act provides for Ministerial Orders to specify Audit Panels' requirements beyond those required under Section 85A.

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

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

Sustainable Murchison Community Plan 2040

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications in this recommendation.

RISK IMPLICATIONS

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

CONSULTATION PROCESS

There are no consultation requirements as a result of this report

COMMENT

It is recommended that Council note the Unconfirmed Minutes of the Audit Panel Committee held on 28 March 2023.

MOVED BY	CR BRAMICH
SECONDED BY	CR COURTNEY

That Council:

- 1. Note the unconfirmed Minutes of the Audit Panel Committee meeting held on 28 March 2023**

The MOTION was put and was CARRIED.

IN FAVOUR

CR BRAMICH	CR COURTNEY	MAYOR DUNIAM	
CR HYLAND	CR ROBERTS	CR JOHNSTONE	

10.0 MATTERS PROPOSED FOR CONSIDERATION IN CLOSED MEETING

MOVED BY	CR COURTNEY
SECONDED BY	CR ROBERTS

THAT THE COUNCIL RESOLVES BY AN ABSOLUTE MAJORITY THAT THE MATTERS LISTED BELOW BE CONSIDERED IN CLOSED MEETING:

MATTER	LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015 REFERENCE
<i>CONFIDENTIAL REPORT R15 (2) - CONFIRMATION OF CLOSED MINUTES OF PREVIOUS MEETING</i>	15 (2)
<i>CONFIDENTIAL REPORT R15 (2) – NOTICES OF MOTION</i>	15(2)
<i>CONFIDENTIAL REPORT R15 (2) (H) APPLICATIONS BY COUNCILLORS FOR LEAVE OF ABSENCE</i>	15 (2) (H)
<i>CONFIDENTIAL REPORT R15 (2) (G) INFORMATION OF A PERSONAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL – UNCONFIRMED CRADLE COAST AUTHORITY MINUTES</i>	15 (2) (G)
<i>CONFIDENTIAL REPORT R15 (2) - CLOSED SENIOR MANAGEMENT REPORT</i>	15(2)

THE MOTION WAS PUT AND WAS CARRIED.

IN FAVOUR

CR BRAMICH	CR COURTNEY	MAYOR DUNIAM	
CR HYLAND	CR ROBERTS	CR JOHNSTONE	

11.0 CLOSURE OF MEETING TO THE PUBLIC

MOVED BY	CR ROBERTS
SECONDED BY	CR BRAMICH

THAT THE COUNCIL RESOLVES BY AN ABSOLUTE MAJORITY THAT GO INTO CLOSED MEETING TO CONSIDER THE FOLLOWING MATTERS AT 7.26PM:

MATTER	LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015 REFERENCE
<i>CONFIDENTIAL REPORT R15 (2) - CONFIRMATION OF CLOSED MINUTES OF PREVIOUS MEETING</i>	15 (2)
<i>CONFIDENTIAL REPORT R15 (2) – NOTICES OF MOTION</i>	15(2)
<i>CONFIDENTIAL REPORT R15 (2) (H) APPLICATIONS BY COUNCILLORS FOR LEAVE OF ABSENCE</i>	15 (2) (H)
<i>CONFIDENTIAL REPORT R15 (2) (G) INFORMATION OF A PERSONAL NATURE OR INFORMATION PROVIDED TO THE COUNCIL ON THE CONDITION IT IS KEPT CONFIDENTIAL – UNCONFIRMED CRADLE COAST AUTHORITY MINUTES</i>	15 (2) (G)
<i>CONFIDENTIAL REPORT R15 (2) - CLOSED SENIOR MANAGEMENT REPORT</i>	15(2)

THE MOTION WAS PUT AND WAS CARRIED.

IN FAVOUR

CR BRAMICH	CR COURTNEY	MAYOR DUNIAM	
CR HYLAND	CR ROBERTS	CR JOHNSTONE	

12.0 RESUMPTION OF OPEN MEETING

At 7.37pm the Open Meeting was resumed.

13.0 PUBLIC RELEASE ANNOUNCEMENT**RECOMMENDATION**

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

Min. No.	Subject	Decisions/Documents
NIL		

THERE BEING NO FURTHER BUSINESS THE CHAIRPERSON DECLARED THE MEETING CLOSED AT 7.37pm.

Confirmed,

MAYOR

15 May 2023