



**ORDINARY MEETING
OF COUNCIL**

**AGENDA
OPEN MEETING**

17 June 2019

17 June 2019

Notice of Meeting – Ordinary Meeting of Council

In accordance with the *Local Government (Meeting Procedures) Regulations 2015* NOTICE is hereby given that the next Ordinary Meeting of the Waratah-Wynyard Council will be held at the Council Chambers, 21 Saunders Street, Wynyard on Monday 17 June 2019 with the Business of the meeting to be in accordance with the following agenda paper.

General Manager's Certification

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

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



Shane Crawford
GENERAL MANAGER

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

17 June 2019

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

Dear Shane,

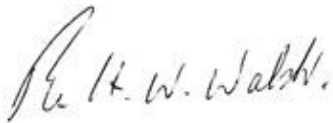
COUNCIL MEETING

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

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

I request that you make the necessary arrangements for the next ordinary meeting of Council to be convened on Monday 17 June 2019 commencing at at the Council Chambers, 21 Saunders Street, Wynyard.

Yours sincerely



Cr Robby Walsh
MAYOR

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

AGENDA OF AN ORDINARY MEETING OF THE WARATAH-WYNYARD COUNCIL TO BE HELD AT THE COUNCIL CHAMBERS, 21 SAUNDERS STREET, WYNYARD ON MONDAY 17 JUNE 2019, COMMENCING AT

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

AUDIO RECORDING OF COUNCIL MEETINGS POLICY

The Chairman is to declare the meeting open (time), welcome those present in attendance and advise that the meeting will be recorded, in accordance with the Council Policy **GOV.017 - Audio Recording of Council Meetings** to “record meetings of Council to assist in the preparation of minutes and ensure a true and accurate account of debate and discussion at meetings is available”.

ACKNOWLEDGEMENT OF COUNTRY

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

1.0 RECORD OF ATTENDANCE

Legislative Reference:

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

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

(a) attendance and apologies.

1.1 ATTENDANCE

1.2 APOLOGIES

1.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil received.

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Legislative Reference:

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

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

(b) Confirmation of the minutes.

2.1 CONFIRMATION OF MINUTES OF PREVIOUS ORDINARY COUNCIL MEETING

RECOMMENDATION

That the Minutes of the Ordinary Meeting of the Waratah-Wynyard Council held at Council Chambers, 21 Saunders Street, Wynyard on Monday 20 May 2019, a copy of which having previously been circulated to Councillors prior to the meeting, be confirmed as a true record.

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

3.0 DECLARATIONS OF INTEREST

Legislative Reference:

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

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

Councillor and Agenda Item Number

Staff and Agenda Item Number

4.0 COUNCILLORS ANNOUNCEMENTS AND REPORT**4.1 ANNOUNCEMENTS BY MAYOR**

Nil received.

4.2 MAYOR'S COMMUNICATIONS**RECOMMENDATION**

That the Council note the Acting Mayors Communications

Note Mayor Walsh on Leave 13 May to 10 June

13/5/19	Councillor Workshop
14/5/19	Meeting with General Manager
20/5/19	Council Meeting
21/5/19	Meeting with General Manager
22-24/5/19	MAV Conference Melbourne
23/5/19	Radio with Martyn Agatyn SeaFM
25/5/19	C3 Church Prayer Meeting
27/5/19	Presentation of Toys to Somerset Play Group
27/5/19	Councillor Workshop
28/5/19	Meeting with General Manager
29/5/19	Greater Choice for At Home Palliative Care meeting
29/5/19	Reconciliation Week Breakfast
29/5/19	Migrant Resource Centre – Exploring Refugee Employment
31/5/19	Sunrise TV Interview Waratah
1/6/19	Official Opening RSL Wall Panels
3/6/19	Councillor Workshop
4/6/19	Media – Environment Strategy Expression of Interest
4/6/19	Meeting with General Manager
5/6/19	Councillor Workshop
6/6/19	State-wide Waste Consultation Workshop
8/6/19	Queen's Birthday Luncheon

4.3 REPORTS BY DELEGATES

4.3.1 CR DR MARY DUNIAM - MAV CONFERENCE MAY 2019

Supporting Documents: 1. MAV Conference May 2019 - Ideas

Deputy Mayor Mary Duniam attended the MAV Conference in Victoria on 23 and 24 May 2019 and provides the following summary of the event.

CONFERENCE THEME: CREATING A MOVEMENT ON THE ROAD TO LOCALISM

The overriding theme for this conference was the concept of localism, a movement towards empowering and enabling communities to partner with local councils in actions and decision-making about their future.

Speakers identified that citizens are not customers of councils, despite the overarching focus by councils on service delivery. Citizens are less trusting of all levels of government, including local government and this suggests that people want a greater say! This involves a transfer of power from the local level, resetting democracy, and enabling communities to determine their own preferred future. This makes citizens stakeholders in local decision-making and outcomes.

While local government is the 'glue' that supports community life on a daily basis, doing amazing things, it needs to demonstrate its relevance and forge partnerships at neighbourhood, regional and national levels. This sector can capture the Australian political imagination by putting people and place first.

The challenge for local government is 'enablement' of community and stakeholders embracing an enabling mindset and understanding 'how governments can achieve more by letting go' (Centre for Public Impact, 2019).

SPEAKERS:

Steve Reed OBE MP (UK): related plans for UK's first cooperative council to deliver better services more efficiently and cost effectively by giving more control to communities and service users. This is a governance model built on civic leadership with both councils and local people working in equal partnership to shape and strengthen communities.

Graham Sansom Adjunct Professor (UTS): rethinking the role of mayors and councillors in the context of the Future of Local Government Declaration (attached).

Hugh Mackay (Social Researcher): **The State of the Nation Starts in Your Street.**

Tracey Bradley (WWC): **Update on the New Community Charter and Advisory Board Devolving Power to Citizens** (Waratah, Tasmania).

Lisa Lumsden (Port Augusta Councillor): **Repower Port Augusta (SA): Power to the People.** The development of the world's biggest solar thermal plant (\$650m) was proposed to boost the power grid and local employment. This project did not go ahead because the company behind it failed to secure commercial finance for the project. This has had a serious impact on the local economy and the local council has 9 community-run projects in the pipeline to boost employment.

Helen Sheedy (Warrnambool City Council): A place-making initiative "BOOL" to encourage economic development ideas. A Beers and Ideas event for the community was run by the council, with a \$10

token charge (1 free beer). Ideas were presented, voted on and the winner took all the money. Council supported these ideas with planning compliance etc.

Olivia Lucas (Burnie City Council): Collective Impact Burnie – The Community Taking the Lead. This project is aligned with Making Burnie 2030 and supported by a Federal Government Grant to address the local lower socio-economic situation (youth unemployment rate of 16.5% in Burnie) and poor student retention in years 11-12 schooling.

Sherrie Coote & Sandra Slatter (Community Members) and Deb Simpson Coordinator Strong Communities, City of Greater Bendigo: The development of a dementia care village links healthcare to agriculture, gardening, landscaping and nature conservation, caring for animals and community activities.

Adrian Brown (Centre for Public Impact – UK): Governments are not delivering outcomes that communities need and expect. Councils focus on efficiencies, effectiveness and money-management and people are customers of councils. A change in mind-set by councils is necessary to enable a more democratic approach to decision-making. How to create the seeds for change? Councils need to understand the need for change and to understand the factors that will allow enablement of communities to make these decisions.

Genevieve Barlow (Community Member): Renewable Newstead - an amazing story continues: The transition of Newstead (Victoria) to 100% renewable energy using a combination of solar and storage. The town is the first in Australia to have its own low-cost electricity tariff with shared benefits to all citizens of the township through the establishment of a solar park.

Cheryl McKinnon (Mayor, Loddon Shire Council): The Benefits of Integrating Communities – The Pyramid Hill (Vic) Story – local farmers were unable to source local workers and advocated the Federal Government for an increase in migrant intake to help revitalise regional Australia. Workers and their families from the Philippines settled in Pyramid Hill, boosting the population and the economy. This initiative created a welcome cultural diversity in the town and is an example how migrant intake can help revitalise regional Australia.

Mike Reid (Principal Policy Advisory, LG NZ): New Zealand Community Boards – An Update.

New Zealand Community Boards are a legislated place-based governance model where responsibility and funding for agreed functions are delegated to these Boards by the local council.

Josephine Duffy (CEO, Stephanie Alexander Kitchen Garden Foundation): Attacking Obesity at the Local Level – This community project has established a Kitchen Garden program in over a thousand Australian schools as part of the education system where children and their families learn to grow and prepare healthy food.

Shari Davis (Co-Executive Director, Participatory Budgeting Project): The 2018 New York City Charter Revision: Creating a Citywide Participatory Budgeting Process: Over an 8-month period of each participatory budgeting cycle, thousands of people from all over New York participated in over 200 local neighbourhood assemblies to brainstorm ideas that could improve their communities. Participants from these meetings go on to become “budget delegates” and work with their elected representatives to represent their community’s spending priorities and create project proposals. This is a community-led grassroots revolutionary approach to community governance and localism.

4.4 COUNCILLOR STATEMENTS

Nil received.

4.5 NOTIFICATION OF COUNCIL WORKSHOPS

Legislative Reference:

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

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

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

RECOMMENDATION

That the Council note the following Councillor Workshops

Workshops held since last Council agenda issued

27/5/19	Annual Plan and Budget Deliberations
27/5/19	Meeting Procedures Review
3/6/19	Planning Scheme Workshop
3/6/19	Bass Highway Corridor Study Update (Cooee to Wynyard)
3/6/19	Bass Highway project Update (Wynyard to Murrawah)
3/6/19	Shared Services Update
3/6/19	Hermal Group Presentation
5/6/19	Community Survey Results
5/6/19	Dog Park Area
5/6/19	Draft Communication and Engagement Strategy Review
5/6/19	Draft Financial Management Strategy Review
5/6/19	Public Camping

Upcoming Workshops – Indicative only

24/6/19	Local Government Assoc. of Tasmania AGM and General Meeting Agenda review
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Councillor Attendance Record

Meetings attended to date from 6 November 2018 (post-election) -30 June 2019

	Council Meetings (7)	Councillor Workshops (21)	Approved Leave (weeks)
Mayor Walsh	6	15	4
Deputy Mayor Duniam	6	20	
Cr G Bramich	6	20	
Cr A Courtney	6	14	2
Cr C Edwards	7	20	
Cr D Fairbrother	7	21	
Cr A House	7	21	
Cr K Hyland	7	10	

5.0 PUBLIC QUESTIONS AND STATEMENTS

Legislative Reference:

Local Government (Meeting Procedures) Regulations 2015 Regulation 31

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

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

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

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

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

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

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

5.1.1 MR P GAYLARD - CAMPING AT MOORE STREET BOAT HARBOUR BEACH

QUESTION

Mr Gaylard of Boat Harbour Beach asked if Council would alter/remove the camping signage west of Moore Street to make it safer for pedestrians and what other avenues council could pursue to make pedestrian usage safer in this area in the period before the new plans are enacted.

OFFICERS RESPONSE

The signage erected currently is considered interim until a long term location is determined. The matters raised will be listed for a workshop with Councillors in the very near future following completion of the Boat Harbour Beach Master planning process.

5.1.2 MR P GAYLARD - SIGNAGE AT BOAT HARBOUR BEACH

QUESTION

Mr Gaylard queried whether council should have made certain that an “existing use” did exist and that no permit was required before putting up camping signage and not seeking evidence after they were erected. Mr Gaylard asked what Council’s position is on allowing myself, or other council residents, to act on any issue without making sure a permit was required or not required. Have Council applied the same condition to themselves as they would to residents and if not why not. The Director of Infrastructure and Development Services took the question on notice.

OFFICERS RESPONSE

Extract of letter provided to Mr Gaylard:

Council receives a very high level of feedback in relation to public camping at Boat Harbour Beach, both for and against. This feedback is heightened through the summer period each year and given interest in the location is increasing, so is the level of feedback. Council is wishing to form a long-term position on camping at Boat Harbour Beach and as such has distributed a survey and has now drafted a Boat Harbour Beach Development Plan for community feedback.

Camping has occurred in the area for many years, and the majority of this time it has been unregulated. Council introduced “interim” signage to provide some regulation and control of camping areas, timed to be in place for the Easter holiday period. These “interim” arrangements were to find a mutual position to both those for and against camping until the longer-term arrangements are finalised. It is noted however, there appears to be an appetite to have some level of regulated public camping in the Boat Harbour Beach area. The three signs are exempt under the Sign Code of the Waratah-Wynyard Interim Planning Scheme under clause E7.4.2(c), as they are

regulatory signs that provide direction in accordance with the By-law. A copy of clause E7.4 is attached for your reference. You can view the full code, as well as the rest of the planning scheme at this website: <https://iplan.tas.gov.au/pages/plan/book.aspx?exhibit=warips>

You are aware that in relation to camping, the use will not require a planning permit if it is an existing use. Council is of the understanding that the use is an existing use as it pre-dates planning legislation in Tasmania. Legal advice has confirmed that this notion is sound. However, this advice has recommended that the history of the use be documented and recorded, in order to demonstrate existing use status to reply to enquiries such as yours. Council has commenced a research process to gather the necessary material which will then be referred to Council's legal representatives for verification of the existing use rights status. If there is insufficient evidence to demonstrate existing use, then a planning permit will likely be required. Should you have information that would like to contribute to this process, please forward it to Council.

Council, as with all residents, must act in accordance with prescribed legislation.

We encourage you to provide feedback to the Boat Harbour Beach Master planning process. Your views pertaining to the prohibition of camping in the area to the west of Moore Street on Port Road is noted and will be considered as part of this process.

5.2 PUBLIC QUESTIONS RECEIVED IN WRITING

Nil received.

5.3 PUBLIC QUESTIONS WITHOUT NOTICE

Legislative Reference:

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

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

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

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

(5) The Chairperson may –

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

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

5.4 PUBLIC STATEMENTS RECEIVED IN WRITING

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

Nil received.

5.5 PUBLIC STATEMENTS WITHOUT NOTICE

6.0 PLANNING AUTHORITY ITEMS

Legislative Reference:

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

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

25(2) The general manager is to ensure that the reasons for a decision by a Council acting as a Planning Authority are recorded in the minutes.

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

6.1 PUBLIC QUESTIONS WITHOUT NOTICE – RELATING TO PLANNING MATTERS

Legislative Reference:

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

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

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

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

(5) The Chairperson may –

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

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

Nil received.

6.2 PUBLIC STATEMENTS - RELATING TO PLANNING MATTERS

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

Nil received.

6.3 CARPORT 65A OLD BASS HIGHWAY, WYNYARD - DA 39/2019

To: Council
Reporting Officer: Graduate Town Planner
Responsible Officer: Manager Development and Regulatory Services
Report Date: 4 June 2019
File Reference: 3189662

Supporting Documents:

1. Development Application Form x 4 pages
2. Location Map x 1 page
3. Title Documents x 4 pages
4. Proposal Plans x 4 pages
5. Planning Response x 1 page
6. Info Request x 1 page
7. Representation x 3 pages
8. Signed Extension of Time x 1 page

RECOMMENDATION

That Council, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Waratah-Wynyard Interim Planning Scheme 2013*, grant approval for a carport at 65A Old Bass Highway, Wynyard subject to the following conditions:-

CONDITIONS:

- (1) The development is to be generally in accordance with the application as submitted and endorsed documents as listed:**
 - a) Proposal Plans with Project Number 1819-31 and Drawing Numbers 02 to 04, Revision 02 as prepared by Steven Penton Building Design and dated 1 March 2019.**
- (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 into Council's stormwater drainage.**

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 39/2019. Any variation requires an application for further planning approval of Council.
 - This development/use is not to result in the generation of environmental harm or nuisance as defined in the *Environmental Management and Pollution Control Act 1994*.
 - Attention is drawn to existing or proposed electricity infrastructure, please be sure to contact TasNetworks on 1300 137 008 to ensure these works do not impede on existing electricity easements and are at a safe distance from powerlines. Failure to do so could result in the relocation of electricity assets at your cost.
 - Under Section 61 (4) of the Land Use Planning and Approvals Act 1993, the applicant has the right to lodge an appeal against Council's decision. Notice of appeal should be lodged on the prescribed form together with the required fee within fourteen days after the date on which notice of the decision was served on that person, to the Resource Management and Planning Appeal Tribunal, G.P.O. Box 2036, Hobart, 7001. Updated Notices of Appeal are available on the Tribunal's website at www.rmpat.tas.gov.au.

PURPOSE

The purpose of this report is for Council to consider the merits of the Development Application DA 39/2019 against the requirements of the *Waratah-Wynyard Interim Planning Scheme 2013*.

BACKGROUND

The subject site is located at 65A Old Bass Highway, Wynyard and comprises 970m². It is located within the General Residential zone and is accessed from Old Bass Highway via an existing crossover. The site contains a dwelling, which is currently under construction and was approved as part of planning permit SD 2051 - DA 155/2017 for a subdivision (boundary adjustment) and dwelling.

The adjoining titles to the south and west contain single dwellings and associated outbuilding development. The adjoining title to the east is a vacant residential lot. The land to the north across Old Bass Highway is a Crown administered public reserve.

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

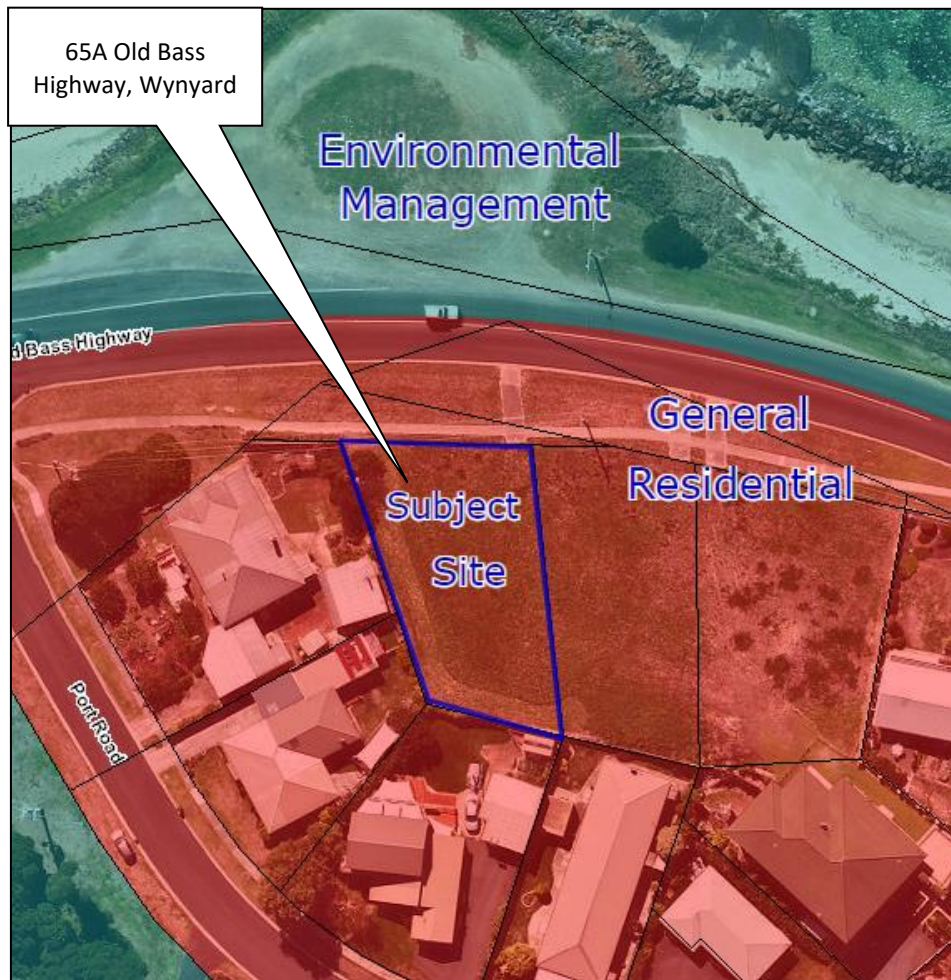


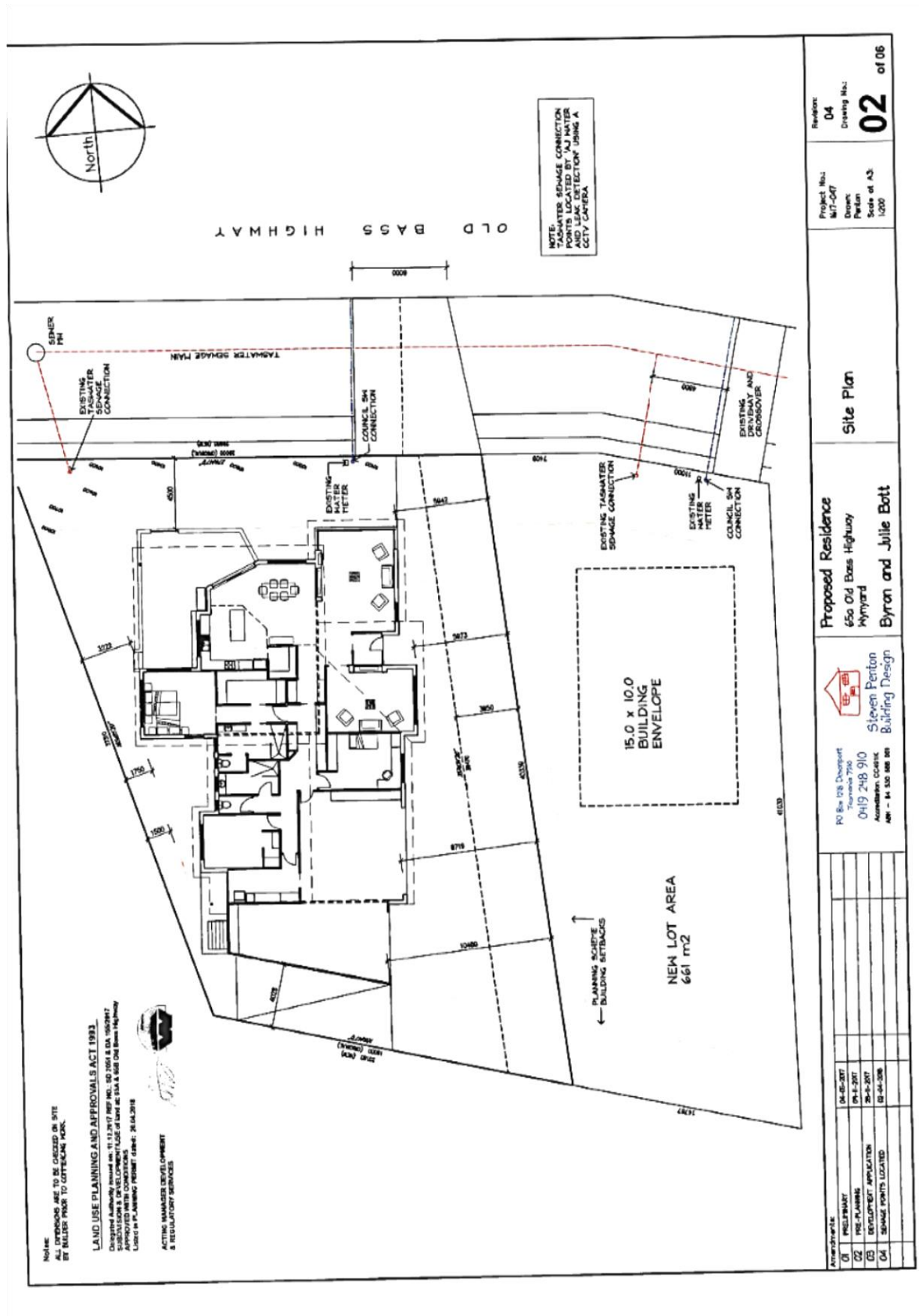
Figure 1: Subject Site with zoning

DETAILS

The applicant is seeking approval for a carport on a property described as 65A Old Bass Highway, Wynyard (CT 16088/3). The property contains a previously approved single dwelling which is currently under construction and is located in a residential area populated by single dwelling development.

The proposed carport has an area of 29m² and a maximum height of 3.7m. It is roofed in Colorbond. The carport is located to the rear of the dwelling on the site, 0.178m from the southern rear boundary, 14.8m from the eastern side boundary, 0.785m from the western side boundary and a minimum distance of 30m from the frontage onto Old Bass Highway.

The latest aerial imagery available for the subject site shows a vacant lot. To illustrate the location of approved development currently under construction on the site, a copy of the site plan endorsed as part of planning permit SD 2051 - DA 155/2017 is shown in Figure 2. A copy of the proposed site plan including the carport is shown in Figure 3.



Not to be used for construction or other purposes unless approved by the Council.

LAND USE PLANNING AND APPROVALS ACT 1993
 Discharge Authority issued on: 11.03.2017 REF: 00100701
 Discharge Authority issued on: 11.03.2017 REF: 00100702
 Approved with conditions
 Listed in Planning Permit Series: 24.04.2018

ACTING MANAGER DEVELOPMENT & REGULATORY SERVICES

PO Box 198, Devonport
 0419 248 910
 Administration
 Ref - P. 180. 000 001

Sieven Periton Building Design

Approval No.	Date	Notes
01	14-05-2017	PRELIMINARY
02	09-11-2017	PRE-PLANNING
03	28-03-2017	DEVELOPMENT APPLICATION
04	03-04-2018	SEWERAGE POINTS LOCATED

Proposed Residence
 650 Old Bass Highway
 Wynyard
Byron and Julie Bott

Site Plan

Revision: **04**
 Project No.: **MT-047**
 Drawing No.: **02** of **06**
 Drawn: **Perkin**
 Scale of A3: **1:200**

Figure 2: Approved site plan

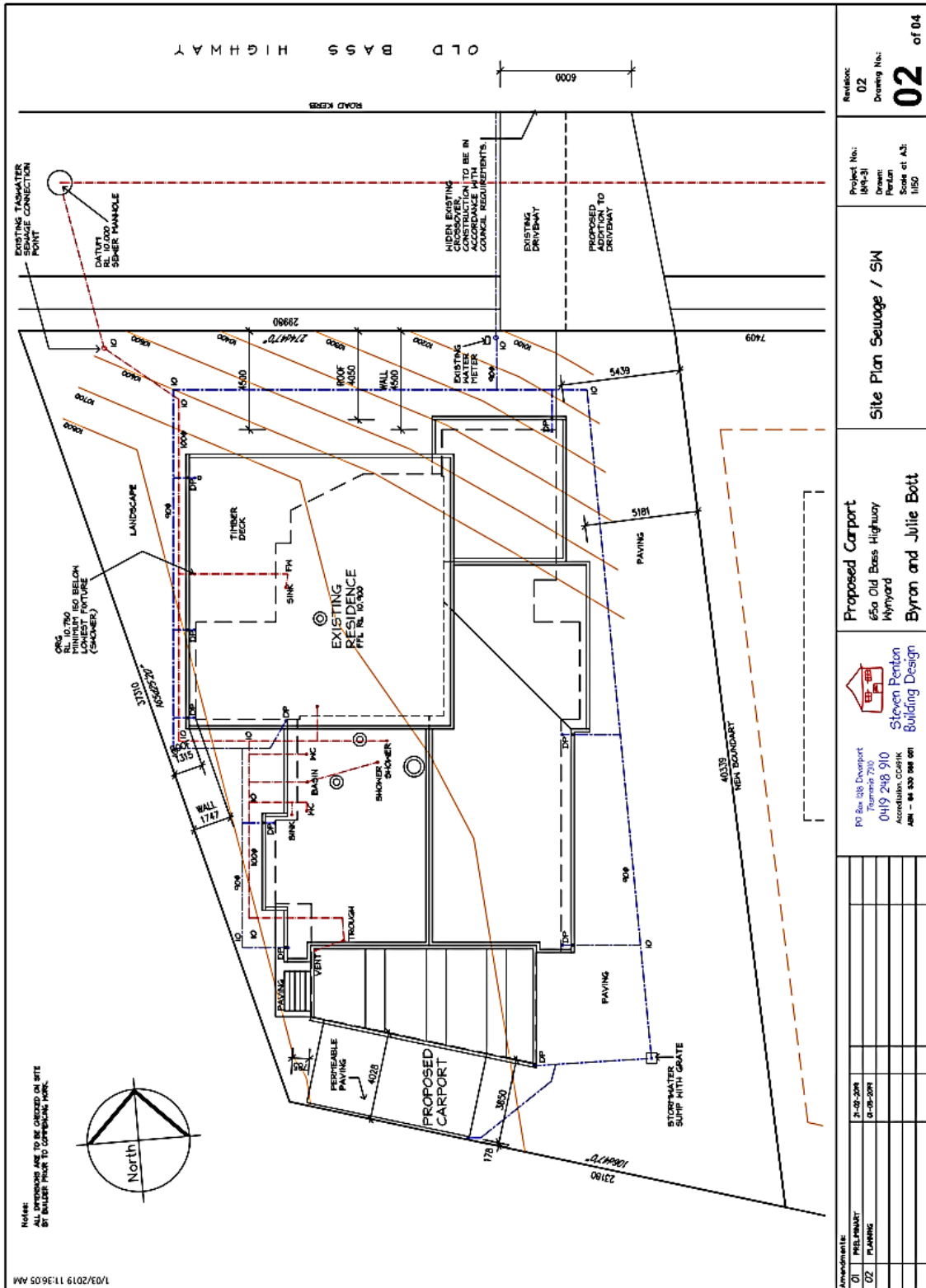


Figure 3: Proposed site plan

This report assesses the proposal against the *Waratah-Wynyard Interim Planning Scheme 2013* (the Planning Scheme) and takes into account any representations received during the public exhibition period. The subject property is zoned General Residential under the Planning Scheme. The proposal is defined as a Residential Use Class. This is a No Permit Required use within the zone, should the application meet all the relevant Acceptable

Solutions. The proposal does not comply with all the acceptable solutions, therefore the applicant is applying for discretion under the following clauses: -

- Setbacks and building envelope for all dwellings 10.4.2 (P3); and
- Site coverage and private open space for all dwellings 10.4.3 (P1).

CONSULTATION PROCESS

The consultation process was the public exhibition period set out in the *Land Use Planning and Approvals Act 1993* (LUPAA) and involved notification of adjoining land owners, public notices on-site and advertising in a daily newspaper. The application was placed on public exhibition for a period of 14 days as required under LUPAA. The period for representations closed on 15 May 2019. One (1) representation has been received. A map demonstrating the relationship between the subject site and the representor’s property is shown in Figure 4.



Figure 4: 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.

Representors – C & F Symonds

Issues raised:	Response:
Carport will block sunlight to representors’ backyard and dominate their northern view. The dwelling currently under construction on the subject site casts shade on to the representors’	The private open space area (backyard) of the dwelling at 4 Port Road is directly south of the carport. The carport has a maximum height of 3.7m and adjoins the southern elevation of the approved dwelling on the site. The southern elevation of the dwelling has a maximum height of 5m.

<p>backyard. The carport will intensify this shading.</p>	<p>Given the height and proximity of the approved dwelling to the southern title boundary, any overshadowing of 4 Port Road by the proposed carport will primarily be confined to areas already shaded by the approved dwelling.</p> <p>Due to the apparent migration of the sun across the sky and the height of the proposed carport, any increase in shading is likely to be confined to the northernmost portion of the backyard during the afternoon. The carport will have minimal impact on solar access to the backyard prior to midday and will not substantially increase the amount of shade already cast onto 4 Port Road by existing development on the subject site.</p> <p>The dwelling at 4 Port Road also includes a large external deck which serves as an extension of the private open space area. The deck is setback a sufficient distance from the boundary shared with the subject site to ensure that it will not be overshadowed by the proposed carport.</p> <p>The proposed carport is domestic in size and scale with an area of 29m² and capacity for a single vehicle. The carport is open on all sides and is located below the roofline of the dwelling on the site, which minimises the appearance of the structure. It does not present as a solid wall and does not extend beyond the northern, eastern or western building lines of the approved dwelling. The position of the carport also helps to break up the bulk and appearance of the dwelling's southern elevation when viewed from the representors' property.</p>
<p>Property will be overdeveloped with vehicle storage.</p>	<p>The approved dwelling contains a double garage and workshop with a single width panel door. The proposed carport has capacity for a single vehicle. There are no separate outbuildings on the subject site. The property has the potential to store a maximum of four vehicles on-site at any one time, including the carport and personal workshop space.</p> <p>Table E9.1 of the Traffic Generating Use & Parking Code requires single dwelling development in the General Residential zone to have a minimum of two car parking spaces. There is no maximum limit. The number of potential vehicle storage spaces on the subject site is consistent with residential development in the surrounding area, which typically includes a garage and/or carport attached to the dwelling and a separate outbuilding capable of being used for vehicle storage.</p>
<p>Discrepancy in lot size. The site plan submitted with application shows a lot size of 970m² whereas the Folio Plan states 812m².</p>	<p>The dwelling currently under construction on the subject site was approved as part of planning permit SD 2051 - DA 155/2017 for a subdivision (boundary adjustment) and dwelling.</p> <p>The boundary adjustment included subdividing 158m² from the adjoining lot to the east, 65B Old Bass Highway, and adhering it to the subject site to create two lots of 970m² and 661m². Construction of the dwelling has substantially commenced, and Council has endorsed the Final Plan of Survey for the boundary adjustment.</p> <p>A copy of the current title documents was submitted with the application as title documents for the new lots, although endorsed by Council, have not yet been registered by the Titles Office.</p>
<p>The southern elevation of the dwelling currently under construction on the subject site has a very high back wall approximately 4.5m high. This wall is</p>	<p>The dwelling currently under construction on the subject site was approved as part of planning permit SD 2051 - DA 155/2017 for a subdivision (boundary adjustment) and dwelling.</p>

viewed as the dominant structure from the representors' property.	Issues pertaining to previously approved developments, including visual impact of the approved dwelling's southern elevation, are not relevant to this application.
The dwelling currently under construction was improperly advertised. Council did not place a DA notice on the block, send letters to adjoining owners or advertise the dwelling prior to construction commencing. The representors would have submitted a representation against the dwelling if given the opportunity to do so.	Issues pertaining to previously approved developments are not relevant to this application. The dwelling currently under construction on the subject site was approved as part of planning permit SD 2051 - DA 155/2017 for a subdivision (boundary adjustment) and dwelling. The application was determined to have 'permitted' status under the Planning Scheme. According to s58 of LUPAA, a planning authority (Council) is bound to grant a permit for a permitted application and there is no public notification process for permitted applications.
The previous owners of the subject site sold the block to the current owners with the proviso that a low structure was built. The current owners show disrespect to the original owners and adjoining neighbours.	Conditions of sale are a civil issue between the parties to a contract and are not a relevant consideration under the Planning Scheme. The site is not subject to any restrictive covenants or easements applicable to height and there are no specific provisions under the Planning Scheme restricting development height other than the standard provisions of the General Residential zone. These provisions include a standard building envelope, with a maximum height of 8.5m.
There has been no communication between current property owner and adjoining landowners regarding the height of the southern (rear) wall of the dwelling currently under construction or of the proposed carport.	Council is required to give public notice of planning applications which seek to vary the permitted height or setback requirements of the Planning Scheme (discretionary applications). This involves advertising the proposal for two weeks in accordance with the requirements of s57 of LUPAA. No part of this process requires the applicant or property owner(s) to consult with adjoining landowners. Communication, or lack thereof, regarding proposed future development of a site is a private issue between adjoining property owners.

INTERNAL REFERRALS

Engineering Services Department

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

- (1) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
- (2) Loading and un-loading of vehicles is to be confined to within the boundaries of the property.
- (3) Stormwater from the development is to be connected into Council's stormwater drainage.

Note:

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

Environmental Health

The following environmental health notes were recommended.

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

EXTERNAL REFERRALS

The proposal did not require any external referrals.

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 No Permit Required use within the zone, should the application meet all the relevant acceptable solutions of the planning scheme.

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

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

- Setbacks and building envelope for all dwellings 10.4.2 (P3); and
- Site coverage and private open space for all dwellings 10.4.3 (P1)

10.4.2 Setbacks and building envelope for all dwellings

<p>A3</p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <ul style="list-style-type: none">(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5m above natural ground level; and <p>(b) only have a setback within 1.5 m of a side boundary if the dwelling:</p> <ul style="list-style-type: none">(i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).	<p>P3</p> <p>The siting and scale of a dwelling must:</p> <p>(a) not cause unreasonable loss of amenity by:</p> <ul style="list-style-type: none">(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or(ii) overshadowing the private open space of a dwelling on an adjoining lot; or(iii) overshadowing of an adjoining vacant lot; or(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and <p>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.</p>
<p>Planning Comments: Complies</p> <p>The proposed carport has a maximum height of 3.7m and is located to the rear of the dwelling currently under construction on the site. It is setback 0.178m from the southern rear boundary, 14.8m from the</p>	

eastern side boundary, 0.785m from the western side boundary and a minimum distance of 30m from the frontage onto Old Bass Highway.

The proposal complies with the permitted setbacks from frontage and the eastern side boundary. The applicant is seeking a reduction in the following setback requirements:

- From the permitted 1.5m to 0.785m from the western side boundary; and
- From the permitted 4m to 0.178m from the southern rear boundary.

Council has discretion to consider a reduction in these setbacks provided the proposed development satisfies the requirements of Performance Criteria P3(a) and P3(b) for this Standard.

The proposed carport complies with the permitted setbacks and is located behind the building line of the approved dwelling from the eastern side boundary and the frontage boundary. The proposal will not affect residential amenity in either of these directions.

The carport is also setback behind the building line and below the roofline of the approved dwelling from the adjoining lot to the north-west, 65 Old Bass Highway; it will not be visible from this lot.

The dwellings on the adjoining lot to the south, 4 Port Road, and south-west, 2 Port Road, are setback 10m and 15m respectively from title boundaries shared with the subject site. These distances are sufficient to ensure that the proposed carport will not overshadow habitable rooms in either dwelling.

The private open space area (backyard) of the dwelling at 2 Port Road is directly west of the carport. Due to the apparent migration of the sun across the sky throughout the day and the height of the proposed carport, the development will cast some shade onto the easternmost portion of the backyard during the morning but will not affect access to sunlight after midday.

The private open space area (backyard) of the dwelling at 4 Port Road is directly south of the carport. The carport has a maximum height of 3.7m and adjoins the southern elevation of the approved dwelling on the site. The southern elevation of the dwelling has a maximum height of 5m.

Given the height and proximity of the approved dwelling to the southern title boundary, any overshadowing of 4 Port Road by the proposed carport will primarily be confined to areas already shaded by the approved dwelling. Any increase in shading will be confined to the northernmost portion of the backyard during the afternoon. The carport is unlikely to affect solar access to the backyard prior to midday and will not substantially increase the amount of shade already cast onto 4 Port Road by the existing development on the subject site.

The dwelling at 4 Port Road also includes a large external deck which serves as an extension of the private open space area. The deck is setback a sufficient distance from the boundary shared with the subject site to ensure that it will not be overshadowed by the proposed carport. The proposal will not unreasonably affect access to sunlight for either 2 or 4 Port Road.

The proposed carport is domestic in size and scale with an area of 29m² and capacity for a single vehicle. It is open on all sides which minimises the bulk and appearance of the structure when viewed from adjoining lots. Visual impact is further mitigated by the position of the carport. It is located below the roofline of the approved dwelling and does not present as the dominate view to the south, east or west.

The proposed development is separated from dwellings on adjoining lots by a minimum distance of 10m. This separation distance is compatible with the surrounding area, with the distance between dwellings on adjoining lots varying from less than 5m to over 20m.

In this manner, the proposal complies with P3 for this Standard.

10.4.3 Site coverage and private open space for all dwellings

A1 Dwellings must have: (a) a site coverage of not more than 50% (excluding eaves up to 0.6 m); and (b) for multiple dwellings, a total area of private open space of not less than 60 m ² associated	P1 Dwellings must have: (a) private open space that is of a size and dimensions that are appropriate for the size of the dwelling and is able to accommodate:
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<p>with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) a site area of which at least 25% of the site area is free from impervious surfaces.</p>	<p>(i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any communal open space provided for this purpose within the development; and</p> <p>(ii) operational needs, such as clothes drying and storage; and</p> <p>(b) reasonable space for the planting of gardens and landscaping.</p>
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Planning Comments: Complies

The subject site has an area of 970m². The current folio plan for the subject title lists the lot size as 812m². The subject site was approved as part of planning permit SD 2051 - DA 155/2017 for a subdivision (boundary adjustment) and dwelling.

The boundary adjustment included subdividing 158m² from the adjoining lot to the east, 65B Old Bass Highway, and adhering it to the subject site to create two lots of 970m² and 661m². A copy of the current title documents was submitted with the application as title documents for the new lots, although endorsed by Council, have not yet been registered by the Titles Office.

The approved dwelling currently under construction on the site has an area of 392m². The proposed carport has an area of 29m². The total site coverage is 43.4%.

A total of 310m² of the site is covered by impervious surfaces. The proposed carport is to be located over existing permeable paving which will effectively convert the area to a non-permeable surface. A total of 731m², or 75.4% of the site is covered by impervious surfaces.

Council has discretion to consider development where less than 25% of the subject site is free from impervious surfaces provided the proposed development satisfies the requirements of Performance Criteria P1(a) and P1(b) for this Standard.

The private open space area for the approved dwelling on the subject site is located between the dwelling and frontage onto Old Bass Highway. The proposal will not affect the outdoor living area, which includes a deck and yard with an area of at least 100m².

An additional outdoor area is located on the western side of the dwelling. The paved area contains a clothesline and is conveniently accessible from the laundry. The proposed carport is to be located over existing permeable paving and does not affect existing areas set aside for landscaping.

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 LUPAA, and must enforce the Planning Scheme under s48 of LUPAA

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 any public representations received. It is noted that one (1) representation was received during the exhibition period.

STRATEGIC IMPLICATIONS

There are no significant strategic implications identified.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

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

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

LUPAA provides for penalties against a Planning Authority that fails to enforce its planning scheme (ss. 63a 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 carport complies with either the acceptable solution or satisfies the performance criteria for all applicable standards of the Planning Scheme. The proposed carport will not unreasonably affect residential amenity of neighbouring properties with regards to overshadowing of habitable rooms or private open spaces. It will not substantially alter the visual impact of the dwelling when viewed from adjoining lots and does not affect existing arrangements for landscaping, outdoor recreation or clothes drying on the subject site.

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

6.4 SUBDIVISION AT 1 & 3 MILLPOND COURT AND LOT 200 INGLIS STREET WYNYARD - SD2072

To: Council
Reporting Officer: Graduate Town Planner
Responsible Officer: Manager Development and Regulatory Services
Report Date: 5 June 2019
File Reference: 3607553, 3607561, 3607668

Supporting Documents:

1. Development Application Form x 3 pages
2. Location Map x 1 page
3. Title Documents x 9 pages
4. Subdivision Layout with Staging x 1 page
5. Compliance Submission x 13 pages
6. Bushfire Hazard Risk Assessment and Management Plan x 40 Pages
7. Info Request (First) x 2 pages
8. Planning Response x 3 pages
9. Info Request (Second) x 2 pages
10. TIA Addendum x 14 pages
11. TasWater Conditions x 3 pages
12. Representation x 1 page

RECOMMENDATION

That Council, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Waratah-Wynyard Interim Planning Scheme 2013*, grant approval for a subdivision at 1 & 3 Millpond Court and Lot 200 Inglis Street, Wynyard (CT 175530/8, CT 175530/11 and CT 175530/200) 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) Plan of Subdivision with Job Number 41665 and Drawing Number 04 as prepared by PDA Surveyors and dated 27 February 2019.
 - b) Bushfire Hazard Risk Assessment and Management Plan Revision No. 1 as prepared by Micheal Wells of EnviroPlan Australia and dated 20 March 2019.
- (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) Before a final survey plan may be sealed, the developer is to provide a contribution in lieu of providing public open space in the development. The contribution is to be equivalent to five percent (5%) of the unimproved value of the land within the subdivision less the value of any public open space that is provided. This condition is authorised by Section 117 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*. The contribution may be paid on a pro rata basis where the subdivision is to be staged.

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- (4) A Final Survey Plan is to be submitted to Council for sealing. The plan is to be drawn to scale and prepared in accordance with the requirements of the Recorder of Titles and will form part of this permit when sealed. The Final Survey Plan is to be substantially the same as the endorsed plan.**
 - (5) The applicant is to seek an independent valuation of the unimproved value of the land within the subdivision. A copy of the valuation is to be submitted to Council before or at the time of payment of the public open space contribution (see Condition 3)**
 - (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 prepared by or be certified by a Chartered Professional Engineer and submitted to the Director Infrastructure and Development Services for approval. No work is to commence until a Construction Certificate has been issued by the Director Infrastructure and Development Services. Hold points for Council approvals will be required prior to:
 - a) Pouring of concrete kerb and channelling, footpaths and driveways;**
 - b) Surface sealing of all internal roads including documented pavement testing;**
and
 - c) On completion of all civil works.****
 - (8) On completion of work covered by a Construction Certificate a Chartered Professional Engineer is to certify by declaration that all work has been carried out fully in accordance with the approved plans, specifications, calculations and computations. "Works as Constructed" drawings that comply with the requirements of Council's "Submission of digital-as-constructed information" template are to be supplied (Note: Template can be obtained from Council's website).**
 - (9) No damage is to be caused to the road, footpath or other public facility during construction. Any damage caused is to be rectified to the satisfaction of the Director Infrastructure and Development Services.**
 - (10) Material or plant may be placed/located on a road, footpath, nature strip or other Council-owned or controlled land only in accordance with the conditions in a "Works in Road Reservation Permit".**
 - (11) Necessary easements for powerlines, sewerage, water, drainage, legal access and the like are to be shown on the final survey plan lodged for sealing.**
 - (12) A twelve (12) month maintenance period is to apply to all works within the development which will become Council infrastructure. A maintenance bond of 5% of the cost of the civil works as approved by the Director Infrastructure and Development Services 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.****
 - (13) A new kerb crossover is to be constructed for lots 10, 18, 26A, 26B, 27A, 27B, 39, 40, 41, 42 and 28, 32, 38, and 40 York Street in accordance with Tasmanian Standard**

drawing TSD_R09_v1, Urban Roads Driveway, TSD_r16_v1 Concrete Kerbs and Channels Vehicular Crossings and the conditions in a “Works in Road Reservation Permit”.

- (14) A reinforced concrete driveway slab is to be constructed for lots 10, 18, and 26A, 26B, 27A, 27B, 39, 40, 41, 42 and 28, 32, 38, and 40 York Street between the kerb crossover and the property boundary in accordance with Tasmanian Standard Drawing TSD_R09_v1 Urban Roads Driveways and the conditions in a “Works in Road Reservation Permit”.
- (15) For each lot a 150Ø stormwater connection point including an accessible inspection opening at ground level is to be constructed at the lowest point of each allotment to permit connection to the stormwater reticulation network in accordance with Tasmanian Standard Drawing TSD_SW25_V1, Stormwater Property Connections to Mains. The stormwater connection point is to be inspected and approved prior to backfilling to the satisfaction of the Director Infrastructure and Development Services.
- (16) A reticulated stormwater drainage system is to be provided with individual lot connections, road drainage and method of discharge in accordance with the requirements of the Director Infrastructure and Development Services. The design return interval for the reticulation network is 1 in 10-year ARI for property only, 1 in 20-year ARI for road drainage and provision is to be made to contain a 1 in 100-year ARI major overland flow- path.
- (17) Subsoil drains are to be installed at the back of kerb, both sides of internal subdivisional road and York Street in accordance with Tasmanian Standard Drawing TSD_R12_v1, Subsoil Drains Construction Details.
- (18) Provision for a major drainage path designed to cater for a 1 in 100-year ARI intensity storm runoff, to Big Creek, is to be provided to the reasonable requirements of the Director Infrastructure and Development Services.
- (19) Trees within York Street Road Reservation are to be assessed for removal prior to the extending York Street from Millpond Court to Lot 42 on Plan of Subdivision with Job Number 41665 and Drawing Number 04, Dated 27 February 2019. Only the trees that are directly within the road’s footprint will be considered for removal to the satisfaction of the Director Infrastructure & Development.
- (20) Erosion control measures are to be maintained at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development. All surfaces disturbed by the development are to be stabilised and revegetated to the requirement of the Director Infrastructure and Development Services.
- (21) Before site disturbance or construction commences, an environmental management plan is to be prepared and submitted for approval by the Director Infrastructure and Development Services, prior to disturbance or construction, outlining proposed practices in relation to:
- a) Temporary runoff and erosion controls are to be installed before the development commences. Controls are to include, but are not limited to:
 - i. Minimise site disturbance and vegetation removal;
 - ii. Diversion of up-slope run-off around cleared and/or disturbed areas, areas to be cleared and/or disturbed or filling provided that

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- such diverted water will not cause erosion and is directed to a legal discharge point;
- iii. Installation of sediment retention traps (e.g. sediment fences etc.) at the down slope perimeter of the disturbed area or stockpile to prevent unwanted sediment and other debris escaping from the land; and
 - iv. Rehabilitation of all disturbed areas as soon as possible.
- b) Weed management;
 - c) Storage facilities for fuels, oils, greases, chemicals and the like; and
 - d) Litter management.
- (22) Unless otherwise approved by Council, the road reservation is to be designed and constructed in accordance with Tasmanian Standard Drawing TSD_R06_v1 Urban Roads Typical Sections and Pavement Widths with lot boundaries splayed where required to accommodate a vehicular turning area and shown as “Road” on the final survey plan lodged for sealing.
- (23) The internal subdivision road is to be of compacted crushed rock pavement, designed in accordance with the Austroads Pavement Design Guidelines, with a pavement width of 8.0 metres measured from lip of kerb to lip of kerb and a minimum total pavement thickness of 350 mm incorporating geotextile reinforcement between the sub-base and sub-grade materials with appropriate geofabric filter plus a 40 mm asphalt seal, concrete kerb and channel and footpaths all in accordance with the Tasmanian Standard Drawing TSD_R06_v1 Urban Roads Typical Sections and Pavement Widths, and is to be constructed to the reasonable requirements of the Director Infrastructure and Development Services.
- (24) Road intersections, both internally and within the council road network are to be assessed in regard to the various requirements of the Austroads Guide to Traffic Management set. All upgrade and works required to achieve compliance with the Austroads Guide to Traffic Management set are to be addressed as part of the road design process.
- (25) Concrete footpaths of 1.5 metre width in accordance with Tasmanian Standard Drawing TSD_R11_v1, Urban Roads - Footpaths, are to be constructed on one side of the internal subdivision road and York Street. The footpath is to be located immediately adjacent to lot boundaries.
- (26) Concrete Barrier Kerb and Channel Type KC is to be constructed in accordance with Tasmanian Standard Drawing TSD_R14_v1, Approved Concrete Kerbs and Channels Profile Dimensions on both sides of internal roads and York Street.
- (27) A court bowl of radius 9 metre and otherwise in accordance with Tasmanian Standard Drawing TSD-R07-v1 Urban Roads Cul-de-sac Turning Heads and TSD_R08_v1 Typical Cul-de-sac Details Urban and Rural is to be provided at the termination of the internal road and termination of York Street Type “Offset Circular Right-Hand Side” with lot boundaries splayed to 25m where required to facilitate the turning movements of vehicles including large service vehicles such as garbage trucks. Construction is to be of equivalent standard to the internal road.

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- (28) All corner radii of the internal subdivision roads are to be designed to cater for a 19.0 metre-long prime mover and semi-trailer movements in accordance with Austroads Design Vehicles and Turning Path Templates.
- (29) The developer is to extend York Street to link with the internal subdivision roads and with lot 42. The design for the link road will be to the same standard as the internal roads as set out in Condition 23.
- (30) Vehicle access during development is to be confined to designated areas nominated and approved within the Construction and Environmental Management Plan.
- (31) All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, are to be covered with top soil and seeded with approved grass and, where appropriate, revegetated and stabilised to the satisfaction of the Director Infrastructure and Development Services.
- (32) All underground infrastructure road crossings are to be perpendicular to the road. All road crossings are to be located behind the kerb line in court bowls. All manholes are to be located behind the kerb line.
- (33) Street lighting shall be provided in accordance with AS1158 and the requirements of TasNetworks and the Director Infrastructure and Development Services. The street lighting is to be designed to minimise off site glare and reflected light. The use of non-standard lighting poles is not permitted in the development.
- (34) Underground power is to be provided to each lot in the development in accordance of the requirements of TasNetworks and Tasmanian standard drawings and specifications.
- (35) Telecommunication services are to be provided to each lot in development in accordance of the requirements of the Telecommunications provider and Tasmanian standard drawings and specifications.
- (36) Before site disturbance or construction commences, a plan of management is to be prepared and submitted for approval by the Director Infrastructure and Development Services. The plan is to provide relevant project management information and outline proposed construction practices, including, but not limited to:
- a) Contact details for principal, consultants and contractors including afterhours numbers;
 - b) Traffic management plan including road works signage;
 - c) Proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken on site);
 - d) Identification of potentially noisy construction phases, such as operation of rock-breakers, explosives or pile drivers, and proposed means to minimise impact on the amenity of neighbouring buildings;
 - e) Site facilities to be provided; and
 - f) Procedures for washing down vehicles to prevent soil and debris being carried onto the street.
- (37) 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:

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 2019/00549-WWC Submission to Planning Authority Notice (attached).

Notes: -

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

- An “Activity within the 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 SD2072. Any variation requires an application for further planning approval of Council.
- 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*.
- Attention is drawn to existing or proposed electricity infrastructure, please be sure to contact TasNetworks on 1300 137 008 to ensure these works do not impede on existing electricity easements and are at a safe distance from powerlines. Failure to do so could result in the relocation of electricity assets at your cost.
- Please contact Australia Post 64345580 for letterbox placement guidelines.
- Prior to Sealing of the Final Plan of Survey, the developer must obtain a Consent to Register a Legal Document from TasWater and the certificate must be submitted to Council as evidence of compliance with the Part B Conditions of the Planning Permit. The application form for this consent document can be obtained from the TasWater website <http://www.taswater.com.au/Development/Forms>.
- Under Section 61 (4) of the *Land Use Planning and Approvals Act 1993*, the applicant has the right to lodge an appeal against Council’s decision. Notice of appeal should be lodged on the prescribed form together with the required fee within fourteen days after the date on which notice of the decision was served on that person, to the Resource Management and Planning Appeal Tribunal, G.P.O. Box 2036, Hobart, 7001. Updated Notices of Appeal are available on the Tribunal’s website at www.rmpat.tas.gov.au.

PURPOSE

The purpose of this report is for Council to consider the merits of the Development Application SD2072 against the requirements of the *Waratah-Wynyard Interim Planning Scheme 2013*.

BACKGROUND

The subject site is part of a previously approved 36 lot subdivision approved by Council under SD 1889-C. Stage 1 of this subdivision has been completed. The current application before Council is a redesign of the remaining stages of SD 1889-C. The redesign did not qualify as minor amendment of the existing permit under s56 of the *Land Use Planning and Approvals Act 1993*. A new planning application was therefore required to be submitted to Council.

The subject site comprises three separate titles located at 1 & 3 Millpond Court and Lot 200 Inglis Street, Wynyard with a combined area of 2.3ha. It is located in a developing residential area within the General Residential zone and is accessed via York Street and Millpond Court.

The adjoining lots to the north along Millpond Court contain a mix of vacant residential lots and single dwellings with associated outbuilding development. The titles to the west along Inglis Street contain single dwellings and outbuilding development. To the south, the subject site adjoins a Crown administered reserved road. The subject site also adjoins a Crown administered reserved road to the east. A portion of this reserved road has been converted into a public, Council maintained road known as York Street.

The titles to the west and south across the reserved roads are large residential lots containing single dwellings and outbuilding development.

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

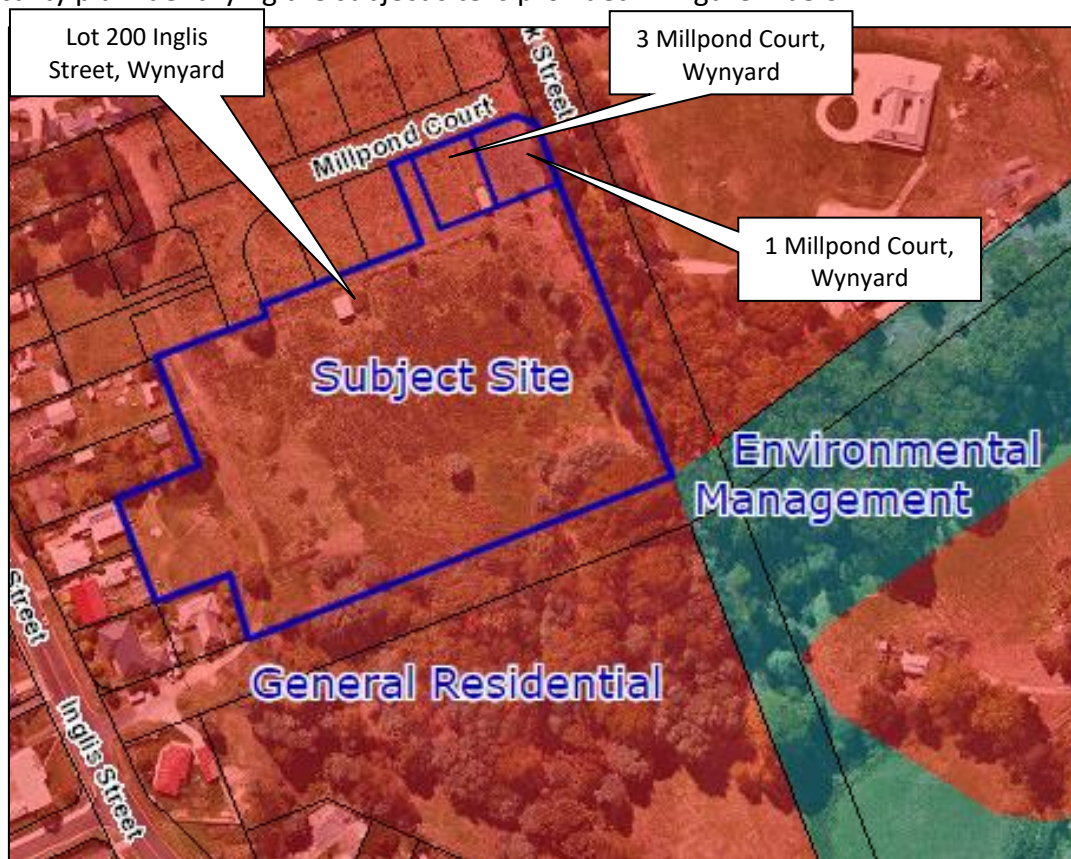


Figure 1: Subject Site with zoning

DETAILS

The applicant is seeking approval for a 21 lot subdivision of land located at Lot 200 Inglis Street, Wynyard (CT 175530/200). The proposed subdivision is part of a staged development with Stage 1 being the lots already created under SD 1889-C, Stage 2 as proposed Lots 16 – 19, Lots 21 – 25, Lot 26A, Lot 26B, Lot 27A, Lot 27B, Lot 35 and Lot 39 as well as the Road Lot

forming a continuation of Millpond Court. Stage 3 is for Lot 10, Lot 20, Lots 40 – 42 and Lot 36.

The proposed Road Lot is continuation of Millpond Court and ends in a cul-de-sac. The area, frontages and access arrangements for each of the proposed residential lots is shown in the Table below.

Lot No.	Area	Frontage Width	Road Access
10	799m ²	16.4m	York Street
16	570m ²	16m	Millpond Court
17	610m ²	21.3m	Millpond Court
18	838m ²	4.4m	Millpond Court
19	911m ²	15.6	Millpond Court
20	707m ²	4m	Millpond Court
21	832m ²	4m	Millpond Court
22	569m ²	12m	Millpond Court
23	802m ²	4m	Millpond Court
24	800m ²	4.1m	Millpond Court
25	358m ²	13.47m	Millpond Court
26A	386m ²	13.14m	Millpond Court
26B	384m ²	13.12m	Millpond Court
27A	389m ²	13.14m	Millpond Court
27B	388m ²	13.14m	Millpond Court
35	579m ²	16.5m	Millpond Court
36	5787m ²	6.3m	Millpond Court
39	599m ²	17.9m	Millpond Court
40	838m ²	4m	Millpond Court
41	986m ²	4m	Millpond Court
42	956m ²	4m	York Street

It is also proposed to subdivide 928m² from CT 175530/200 and adhere it to 1 & 3 Millpond Court (CT 175530/8 & 175530/11) to increase the size of 1 Millpond Court from 727m² to 1199m² and 3 Millpond Court from 721m² to 1178m². No changes are proposed to the frontage width or existing access arrangements for these lots, which are currently accessed from Millpond Court.

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 subdivision is defined as a Residential Use Class. This is a Permitted use within the zone, should the application meet all the relevant Acceptable Solutions.

The proposal does not meet all of the acceptable solutions, therefore the applicant is applying for discretion under the following clauses: -

- Suitability of a site or lot for use or development 10.4.9 (P1); and
- Subdivision 10.4.13 (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 land owners, public notices on-site and advertising in a daily newspaper. The application was placed on public exhibition for a period of 14 days as required under LUPAA. The period for representations closed on 5 June 2019. One (1) representation has been received. A map demonstrating the relationship between the subject site and the representor’s property is shown in Figure 2.



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

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

Representors – SGW Law behalf of D & T Whyte

Issues raised:	Response:
<p>Without appropriate accommodation of egress and ingress that was part of the original development of Millpond Court, further development of this site will increase traffic congestion to this particular area, together with congestion onto York Street.</p> <p>The cul-de-sac placed on York Street as an entry to part of the new proposed</p>	<p>The subject site is part of a previously approved 36 lot subdivision approved by Council under SD 1889-C. Stage 1 of this subdivision has been completed. The current application before Council is a redesign of the remaining stages of SD 1889-C. The redesign did not qualify as minor amendment of the existing permit under s56 of the <i>Land Use Planning and Approvals Act 1993</i>. A new planning application was therefore required to be submitted to Council.</p>

development is inappropriate for that particular area given that it is a street, despite parts of it being unmade, and in particular, Hill Street, which should have been completed at the first stage of the subdivision.

The subject site is currently accessible from the unformed ends of Millpond Court and York Street. It is proposed to formalise the ends of York Street and Millpond Court by establishing two cul-de-sacs.

A Traffic Impact Assessment (TIA) was prepared for the previous subdivision approved on the subject site by Milan Prodanovic. Mr. Prodanovic is a traffic engineering consultant and a suitably qualified person. An addendum to this TIA, based on the current proposed subdivision layout and dated May 2019, was prepared by Mr. Prodanovic and submitted with the planning application. The amended TIA also considered recent changes to the surrounding road network, including the impacts of the Bass Highway, Calder Road and York Street roundabout.

The addendum states that the proposed subdivision development will not create any operational issues for traffic, particularly as the proposed road layout is much simpler than that previously proposed under SD 1889.

Millpond Court feeds into York Street which in turn intersects with Inglis Street. The addendum states that the only intersection of interest in considering the impact of additional traffic activity along York Street is the Inglis Street/York Street intersection.

Mr. Prodanovic states that the maximum traffic volume generated by the proposed subdivision is only around 25% of the conflicting traffic volume at which the Inglis Street/York Street intersection would reach capacity.

Neither Mr. Prodanovic nor Council's Engineering Department have any concerns regarding the proposed subdivisions impact on the future safety of the road network in this area of Wynyard.

The road layout of the proposed subdivision satisfies the necessary requirements under the Planning Scheme. Council is required to consider a development application as provided by the applicant. Alternative road layout options can only be considered when proposed by the applicant.

Issues pertaining to previously approved subdivisions are not relevant to this application. Further, the relevant valid planning permit for the subject site, SD 1889-C, does not include any access via Hill Street.

In addition to the requirements of the Planning Scheme, s85 of the *Local Government (Building & Miscellaneous Provisions) Act 1993* (LGBMPA) gives Council the option to refuse to approve a plan of subdivision under certain circumstances.

These include instances where Council is of the opinion that that the roads will not suit the public convenience or will not give satisfactory inter-communication to the inhabitants both of the subdivision and the municipal area in which it is located (s85(a) LGBMPA).

As demonstrated above, the proposal to provide access to the subdivision via two cul-de-sacs at the unformed ends of York Street and Millpond Court is a suitable design which is not

	<p>anticipated to create any congestion issues. The proposed road layout does not raise any safety concerns for Council's Engineering Department and is considered to be compatible with the existing road network in this area of Wynyard.</p> <p>The application, including the subdivision road layout, complies with all relevant the requirements of the Planning Scheme and is consistent with s85 LGBMPA.</p>
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INTERNAL REFERRALS

Engineering Services Department

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

- (1) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.
- (2) Before a final survey plan may be sealed, the developer is to provide a contribution in lieu of providing public open space in the development. The contribution is to be equivalent to five percent (5%) of the unimproved value of the land within the subdivision less the value of any public open space that is provided. This condition is authorised by Section 117 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*. The contribution may be paid on a pro rata basis where the subdivision is to be staged.
- (3) A Final Survey Plan is to be submitted to Council for sealing. The plan is to be drawn to scale and prepared in accordance with the requirements of the Recorder of Titles and will form part of this permit when sealed. The Final Survey Plan is to be substantially the same as the endorsed plan.
- (4) The applicant is to seek an independent valuation of the unimproved value of the land within the subdivision. A copy of the valuation is to be submitted to Council before or at the time of payment of the public open space contribution (see Condition 2)
- (5) 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.
- (6) Relevant engineering plans, specifications, calculations and computations are to be prepared by or be certified by a Chartered Professional Engineer and submitted to the Director Infrastructure and Development Services for approval. No work is to commence until a Construction Certificate has been issued by the Director Infrastructure and Development Services. Hold points for Council approvals will be required prior to:
 - a) Pouring of concrete kerb and channelling, footpaths and driveways;
 - b) Surface sealing of all internal roads including documented pavement testing; and
 - c) On completion of all civil works.
- (7) On completion of work covered by a Construction Certificate a Chartered Professional Engineer is to certify by declaration that all work has been carried out fully in accordance with the approved plans, specifications, calculations and computations. "Works as Constructed" drawings that comply with the requirements of Council's

“Submission of digital-as-constructed information” template are to be supplied (Note: Template can be obtained from Council’s website).

- (8) No damage is to be caused to the road, footpath or other public facility during construction. Any damage caused is to be rectified to the satisfaction of the Director Infrastructure and Development Services.
- (9) Material or plant may be placed/located on a road, footpath, nature strip or other Council-owned or controlled land only in accordance with the conditions in a “Works in Road Reservation Permit”.
- (10) Necessary easements for powerlines, sewerage, water, drainage, legal access and the like are to be shown on the final survey plan lodged for sealing.
- (11) A twelve (12) month maintenance period is to apply to all works within the development which will become Council infrastructure. A maintenance bond of 5% of the cost of the civil works as approved by the Director Infrastructure and Development Services 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.
- (12) A new kerb crossover is to be constructed for lots 10, 18, 26A, 26B, 27A, 27B, 39, 40, 41, 42 and 28, 32, 38, and 40 York Street in accordance with Tasmanian Standard drawing TSD_R09_v1, Urban Roads Driveway, TSD_r16_v1 Concrete Kerbs and Channels Vehicular Crossings and the conditions in a “Works in Road Reservation Permit”.
- (13) A reinforced concrete driveway slab is to be constructed for lots 10, 18, and 26A, 26B, 27A, 27B, 39, 40, 41, 42 and 28, 32, 38, and 40 York Street between the kerb crossover and the property boundary in accordance with Tasmanian Standard Drawing TSD_R09_v1 Urban Roads Driveways and the conditions in a “Works in Road Reservation Permit”.
- (14) For each lot a 150Ø stormwater connection point including an accessible inspection opening at ground level is to be constructed at the lowest point of each allotment to permit connection to the stormwater reticulation network in accordance with Tasmanian Standard Drawing TSD_SW25_V1, Stormwater Property Connections to Mains. The stormwater connection point is to be inspected and approved prior to backfilling to the satisfaction of the Director Infrastructure and Development Services.
- (15) A reticulated stormwater drainage system is to be provided with individual lot connections, road drainage and method of discharge in accordance with the requirements of the Director Infrastructure and Development Services. The design return interval for the reticulation network is 1 in 10-year ARI for property only, 1 in 20-year ARI for road drainage and provision is to be made to contain a 1 in 100-year ARI major overland flow- path.
- (16) Subsoil drains are to be installed at the back of kerb, both sides of internal subdivisional road and York Street in accordance with Tasmanian Standard Drawing TSD_R12_v1, Subsoil Drains Construction Details.
- (17) Provision for a major drainage path designed to cater for a 1 in 100-year ARI intensity storm runoff, to Big Creek, is to be provided to the reasonable requirements of the Director Infrastructure and Development Services.

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- (18) Trees within York Street Road Reservation are to be assessed for removal prior to the extending York Street from Millpond Court to Lot 42 on Plan No. 41665-4, Dated 27 February 2019. Only the trees that are directly within the road's footprint will be considered for removal to the satisfaction of the Director Infrastructure & Development.
- (19) Erosion control measures are to be maintained at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development. All surfaces disturbed by the development are to be stabilised and revegetated to the requirement of the Director Infrastructure and Development Services.
- (20) Before site disturbance or construction commences, an environmental management plan is to be prepared and submitted for approval by the Director Infrastructure and Development Services, prior to disturbance or construction, outlining proposed practices in relation to:
- a) Temporary runoff and erosion controls are to be installed before the development commences. Controls are to include, but are not limited to:
 - i. Minimise site disturbance and vegetation removal;
 - ii. Diversion of up-slope run-off around cleared and/or disturbed areas, areas to be cleared and/or disturbed or filling provided that such diverted water will not cause erosion and is directed to a legal discharge point;
 - iii. Installation of sediment retention traps (e.g. sediment fences etc.) at the down slope perimeter of the disturbed area or stockpile to prevent unwanted sediment and other debris escaping from the land; and
 - iv. Rehabilitation of all disturbed areas as soon as possible.
 - b) Weed management;
 - c) Storage facilities for fuels, oils, greases, chemicals and the like; and
 - d) Litter management.
- (21) Unless otherwise approved by Council, the road reservation is to be designed and constructed in accordance with Tasmanian Standard Drawing TSD_R06_v1 Urban Roads Typical Sections and Pavement Widths with lot boundaries splayed where required to accommodate a vehicular turning area and shown as "Road" on the final survey plan lodged for sealing.
- (22) The internal subdivision road is to be of compacted crushed rock pavement, designed in accordance with the Austroads Pavement Design Guidelines, with a pavement width of 8.0 metres measured from lip of kerb to lip of kerb and a minimum total pavement thickness of 350 mm incorporating geotextile reinforcement between the sub-base and sub-grade materials with appropriate geofabric filter plus a 40 mm asphalt seal, concrete kerb and channel and footpaths all in accordance with the Tasmanian Standard Drawing TSD_R06_v1 Urban Roads Typical Sections and Pavement Widths, and is to be constructed to the reasonable requirements of the Director Infrastructure and Development Services.
- (23) Road intersections, both internally and within the council road network are to be assessed in regard to the various requirements of the Austroads Guide to Traffic Management set. All upgrade and works required to achieve compliance with the

Austrroads Guide to Traffic Management set are to be addressed as part of the road design process.

- (24) Concrete footpaths of 1.5 metre width in accordance with Tasmanian Standard Drawing TSD_R11_v1, Urban Roads - Footpaths, are to be constructed on one side of the internal subdivision road and York Street. The footpath is to be located immediately adjacent to lot boundaries.
- (25) Concrete Barrier Kerb and Channel Type KC is to be constructed in accordance with Tasmanian Standard Drawing TSD_R14_v1, Approved Concrete Kerbs and Channels Profile Dimensions on both sides of internal roads and York Street.
- (26) A court bowl of radius 9 metre and otherwise in accordance with Tasmanian Standard Drawing TSD-R07-v1 Urban Roads Cul-de-sac Turning Heads and TSD_R08_v1 Typical Cul-de-sac Details Urban and Rural is to be provided at the termination of the internal road and termination of York Street Type "Offset Circular Right-Hand Side" with lot boundaries splayed to 25m where required to facilitate the turning movements of vehicles including large service vehicles such as garbage trucks. Construction is to be of equivalent standard to the internal road.
- (27) All corner radii of the internal subdivision roads are to be designed to cater for a 19.0metre-long prime mover and semi-trailer movements in accordance with Austrroads Design Vehicles and Turning Path Templates.
- (28) The developer is to extend York Street to link with the internal subdivision roads and with lot 42. The design for the link road will be to the same standard as the internal roads as set out in Condition 22.
- (29) Vehicle access during development is to be confined to designated areas nominated and approved within the Construction and Environmental Management Plan.
- (30) All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, are to be covered with top soil and seeded with approved grass and, where appropriate, revegetated and stabilised to the satisfaction of the Director Infrastructure and Development Services.
- (31) All underground infrastructure road crossings are to be perpendicular to the road. All road crossings are to be located behind the kerb line in court bowls. All manholes are to be located behind the kerb line.
- (32) Street lighting shall be provided in accordance with AS1158 and the requirements of TasNetworks and the Director Infrastructure and Development Services. The street lighting is to be designed to minimise off site glare and reflected light. The use of non-standard lighting poles is not permitted in the development.
- (33) Underground power is to be provided to each lot in the development in accordance of the requirements of TasNetworks and Tasmanian standard drawings and specifications.
- (34) Telecommunication services are to be provided to each lot in development in accordance of the requirements of the Telecommunications provider and Tasmanian standard drawings and specifications.
- (35) Before site disturbance or construction commences, a plan of management is to be prepared and submitted for approval by the Director Infrastructure and Development

Services. The plan is to provide relevant project management information and outline proposed construction practices, including, but not limited to:

- a) Contact details for principal, consultants and contractors including afterhours numbers;
- b) Traffic management plan including road works signage;
- c) Proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken on site);
- d) Identification of potentially noisy construction phases, such as operation of rock-breakers, explosives or pile drivers, and proposed means to minimise impact on the amenity of neighbouring buildings;
- e) Site facilities to be provided; and
- f) Procedures for washing down vehicles to prevent soil and debris being carried onto the street.

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

Environmental Health

The following environmental health notes were recommended.

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

EXTERNAL REFERRALS

The application was referred to TasWater on 17 April 2019. The response was received on 6 May 2019 and forms Part B of this permit.

PLANNING ASSESSMENT

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

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

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

10.0 General Residential Zone

10.4.1 Suitability of a site or lot for use or development

<p>A1 A site or each lot on a plan of subdivision must –</p> <ul style="list-style-type: none"> (a) have an area of not less than 330m² excluding any access strip; and (b) if intended for a building, contain a building area of not less than 10.0m x 15.0m <ul style="list-style-type: none"> (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 benefiting 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 	<p>P1 A site or each lot on a plan of subdivision must –</p> <ul style="list-style-type: none"> (a) be of sufficient area for the intended use or development without likely constraint or interference for – <ul style="list-style-type: none"> (i) erection of a building if required by the intended use; (ii) access to the site; (iii) use or development of adjacent land; (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
<p>Planning Comments: Complies</p> <p>The proposed lots vary in area from 358m² (Lot 25) to 5787m² (Lot 36). Excluding access strips, each lot has an area greater than 330m².</p> <p>The plan of subdivision submitted with the planning application demonstrates a 10m by 15m building envelope for each proposed lot, including Lot 37 (3 Millpond Court) and Lot 38 (1 Millpond Court). Each of the building envelopes has an east-west long axis as opposed to as north-south long axis as required by Acceptable Solution A1(b)(viii) for this Clause.</p> <p>However, the dimensions of proposed Lot 19, Lots 23 – 24 and Lots 36 – 38 are sufficient to accommodate a 10m by 15m building envelope with a long axis between 30° east and 20° west of north and which is otherwise compliant with Acceptable Solution A1 for this Clause.</p> <p>Proposed Lot 10, Lots 16 – 18, Lots 21 – 22, Lot 25, Lot 26A, Lot 26B, Lot 27A, Lot 27B, Lot 35, Lot 39 and Lots 41 - 42 can only contain a 10m by 15m building area compliant with A1(b)(i)-(vii) if the long axis is orientated east-west.</p> <p>Neither proposed Lot 20 or Lot 40 can contain a 10m by 15m building area compliant with A1(b)(i)-(vii), regardless of the orientation of the long axis.</p> <p>Proposed Lot 10, Lots 16 – 18, Lots 20 – 22, Lot 25, Lot 26A, Lot 26B, Lot 27A, Lot 27B, Lot 35 and Lots 39 – 42 are therefore discretionary lots and require assessment against Performance Criteria P1 for this Clause.</p> <p>Of the lots relying on Performance Criteria P1 for this Clause, proposed Lots 20 – 22, Lot 35 and Lots 40 – 42 contain easements for sewerage and/or stormwater infrastructure. Lot 20 also contains a burdening right of way in favour of Lot 40. The nominated building envelopes for these lots are clear of these restrictions. Each lot has an individual access from a road which is clear of the nominated buildings areas and complies with the relevant requirements of the Planning Scheme.</p> <p>Given the apparent migration of the sun across the sky, a building envelope with a long axis orientated east-west has a greater available area for taking advantage of northern sun than a building envelope orientated north-south. The discretionary lots exceed the minimum lot size and there is adequate space within setback requirements to provide sufficient separation between dwellings on adjoining lots.</p> <p>Further, the size and dimensions of the discretionary lots is sufficient to allow for development which is specifically designed to maximise solar access to habitable rooms and private open space areas.</p> <p>It is considered that Lot 10, Lots 16 – 18, Lots 20 – 22, Lot 25, Lot 26A, Lot 26B, Lot 27A, Lot 27B, Lot 35 and Lots 39 – 42 comply with P1 for this Standard.</p>	

10.4.13 Subdivision

<p>A2 A lot, other than a lot to which A1(b) applies, must not be an internal lot</p>	<p>P2</p> <p>(a) An internal lot on a plan of subdivision must be –</p> <p>(i) reasonably required for the efficient use of land as a result of a restriction on the layout of lots imposed by –</p> <ul style="list-style-type: none">a. slope, shape, orientation and topography of land;b. an established pattern of lots and development;c. connection to the road network;d. connection to available or planned utilities;e. a requirement to protect ecological, scientific, historic, cultural or aesthetic values, including vegetation or a water course; orf. exposure to an unacceptable level of risk from a natural hazard; and <p>(ii) without likely impact on the amenity of adjacent land</p>
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Planning Comments: Complies

Acceptable Solution A1(b) for Clause 10.4.13 applies to lots required for public use by the State government, a Council, a Statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a statutory authority.

The proposed lots are intended for private residential use. Acceptable Solution A2 is therefore applicable to each of the proposed lots.

Clause 4.1 of the Planning Scheme defines an internal lot as a lot lying predominantly behind another lot and which has access to a road via an access strip, private road or right of way.

Twelve of the proposed 21 lots (Lots 10, 16 - 17, 19, 22, 25, 26A, 26B, 27A, 27B, 35 and 39) do not meet the definition of an internal lot and comply with A2 for this Standard. Lot 37 (3 Millpond Court) and Lot 38 (1 Millpond Court) also comply with the Acceptable Solution. The remaining nine lots (Lots 18, 20 – 21, 23 – 24, 36 and 40 – 42) are considered internal lots and require assessment against Performance Criteria P2 for this Clause.

Council has discretion to consider internal lots on a plan of subdivision provided the proposal satisfies the requirements of P2(a) for this Clause.

The subject site comprises three separate titles located at 1 & 3 Millpond Court and Lot 200 Inglis Street, Wynyard. Each of the nine internal lots is located on Lot 200 Inglis Street, Wynyard (CT 175530/200). This lot has an area of 2.145ha and is accessible

from the unformed ends of Millpond Court and York Street. It is proposed to formalise the ends of York Street and Millpond Court by establishing two cul-de-sacs. Internal lots have been proposed at the ends of both cul-de-sacs in order to maximise lot yield.

It is considered that the number of internal lots has been reasonably minimised in given the need to create an efficient road network and taking into consideration the irregular topography of the site and wetland area to the south-east of the site.

Each of the proposed lots is capable of being serviced by TasWater's reticulated water supply and sewerage infrastructure as well as Council's stormwater network. The access for each internal lot complies with the requirements of the Planning Scheme.

The internal lots exceed the minimum lot size requirement and have sufficient space to allow for development which is consistent with the established pattern of residential use in the area, without undue impact on the amenity of adjacent land.

It is considered that Lot 18, Lots 20 – 21, Lots 23 – 24, Lot 36 and Lots 40 – 42 comply with P2 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 LUPAA, and must enforce the Planning Scheme under S.48 of LUPAA

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 any public representations received. It is noted that one (1) representation was received during the exhibition period.

Local Government (Building & Miscellaneous Provisions) Act 1993

The application has been considered against the requirements of section 85 of the *Local Government (Building & Miscellaneous Provisions) Act 1993* (LGBMPA), which gives Council the option to refuse to approve a plan of subdivision under certain circumstances.

85. Refusal of application for subdivision

The council may refuse to approve a plan of subdivision if it is of the opinion –

- (a) that the roads will not suit the public convenience, or will not give satisfactory inter-communication to the inhabitants both of the subdivision and the municipal area in which it is; or*
- (b) that the drainage both of roads and of other land will not be satisfactorily carried off and disposed of; or*
- (ba) that the land is not suitable for an on-site effluent disposal system for all or specified kinds of effluent from each block; or*
- (c) that the site or layout will make unduly expensive the arrangements for supply of water and electricity, connection to drains and sewers and the construction or maintenance of streets; or*
- (d) that the layout should be altered to include or omit –*
 - (i) blind roads; or*
 - (ii) alleys or rights of way to give access to the rear of lots; or*
 - (iii) public open space; or*

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- (iv) littoral or riparian reserves of up to 30 metres in from the shore of the sea or the bank of a river, rivulet or lake; or*
 - (v) private roads, ways or open spaces; or*
 - (vi) where the ground on one side is higher than on the other, wider roads in order to give reasonable access to both sides; or*
 - (vii) licences to embank highways under the Highways Act 1951 ; or*
 - (viii) provision for widening or deviating ways on or adjoining land comprised in the subdivision; or*
 - (ix) provision for the preservation of trees and shrubs; or*
 - (e) that adjacent land of the owner, including land in which the owner has any estate or interest, ought to be included in the subdivision; or*
 - (f) that one or more of the lots is by reason of its shape in relation to its size or its contours unsuitable for building on; or*
 - (g) that one or more of the lots ought not to be sold because of –*
 - (i) easements to which it is subject; or*
 - (ii) party-wall easements; or*
 - (iii) the state of a party-wall on its boundary.*

The proposed subdivision will have access onto fully constructed, Council maintained roads. The proposed road layout does not raise any safety concerns for Council's Engineering Department and is considered to be compatible with the existing road network in this area of Wynyard. The proposal addresses s85(a).

Connections to TasWater's reticulated water and sewerage infrastructure, Council's stormwater network and TasNetworks electricity infrastructure can be achieved for each of the proposed lots. The proposal addresses s85(b) – (c).

It is recommended that any permit issued be conditioned to require a monetary contribution in lieu of providing public open space in the development. The proposal addresses s85(d)(iii). A condition regarding the extent of vegetation removal to be permitted has also been recommended, addressing s85(d)(ix).

As demonstrated by the assessment of the proposal against the requirements of the Planning Scheme, each of the proposed lots also contain a suitable building area. The proposal addresses s85(f) – (g).

It is not considered that s85(ba), s85(d)(i)-(ii) and (iv)-(viii), or s85(e) are relevant to the proposal.

The application is consistent with the provisions of s85 LGBMPA.

STRATEGIC IMPLICATIONS

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

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

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

LUPAA provides for penalties against a Planning Authority that fails to enforce its planning scheme (ss. 63a 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.

COONCLUSION

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

It is considered that the proposed subdivision complies with either the acceptable solution or satisfies the performance criteria for all applicable standards of the Planning Scheme. The proposal makes efficient use of a large residential lot taking into consideration the irregular topography of the site and wetland area to the south-east. Each of the proposed lots contain a suitable building area and the proposed road layout is considered to be suitable for the anticipated traffic volume generated by the subdivision.

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

6.5 DRAFT WARATAH-WYNYARD LOCAL PROVISIONS SCHEDULE

To: Council
Reporting Officer: Manager Development and Regulatory Services
Responsible Manager: General Manager
Report Date: 5 June 2019
File Reference: Land Use and Planning - Establishment of Instruments and Controls

- Enclosures:
1. LPS Supporting Report
 2. Local Provisions Schedule
 3. Zone Maps
 4. Electricity transmission infrastructure overlay map
 5. Natural assets overlay map
 6. Coastal erosion hazard overlay map
 7. Coastal inundation hazard overlay map
 8. Flood-prone areas overlay map
 9. Bushfire-prone areas overlay map
 10. Landslip hazard overlay map
 11. Safeguarding of airports overlay map
 12. Response to Regional Land Use Strategy
 13. Zone Modifications and Translations
 14. Agriculture and Rural Zone Decision Rules
 15. Regional Ecosystem Model Summary
 16. TasFire Mapping Report
 17. Minister's Declarations

RECOMMENDATION

That Council:

1. Pursuant to section 35 of the *Land Use Planning and Approvals Act 1993*, provide to the Minister for Planning a Local Provisions Schedule for the Waratah-Wynyard municipal area; and
2. Draft Waratah-Wynyard Local Provisions Schedule includes –
 - a) All of the mandatory content required in accordance with section 32 of the *Land Use Planning and Approvals Act 1993*;
 - b) The local provisions required for the specific circumstances and conditions of the Waratah-Wynyard municipal area;
 - c) The maps, including the draft zoning maps, that indicate the land to which the provisions of the State Planning Provisions are to apply; and
3. Authorise the General Manager to make amendments to the draft Local Provisions Schedule as may subsequently be required by the Minister for Planning.

PURPOSE

The purpose of this report is to determine whether to approve the Draft Waratah-Wynyard Local Provisions Schedule and forward to the Commission for review under the provisions of the *Land Use Planning and Approvals Act 1993* (LUPAA).

BACKGROUND

The Tasmanian Government has legislated there is to be a Tasmanian Planning Scheme to replace the current arrangement of individual planning schemes for each municipal area.

The planning authority is required to prepare a Local Provisions Schedule (LPS) to be inserted into the Tasmanian Planning Scheme to establish how the provisions of the State planning scheme will apply for the use and development of land within the municipal area.

This report presents a draft Waratah-Wynyard LPS and recommends the planning authority determine to submit the draft to the Tasmanian Planning Commission (TPC) in accordance with the requirements of LUPAA. The drafting of the LPS has been discussed with Councillors at multiple workshops.

Whilst the timeline for completing this process has been subject to numerous delays and hold points, the Minister for Planning has requested that Councils submit their draft LPSs by no later than June 2019.

DETAILS

Councils have been advised to transition existing interim planning schemes into the new Tasmanian planning scheme template. Further to this the planning schemes were required to deliver statewide consistency as outlined in the Cradle Coast Regional Land Use Strategy (CCRLUS). Planning schemes must also give effect to mandatory State Planning Provisions (SPPs).

Of the 23 Zones available for use from the SPPs, it is proposed that the following 17 zones are used in the Waratah-Wynyard LPS:

- General Residential Zone
- Rural Living Zone
- Low Density Residential Zone
- Village Zone
- Local Business Zone
- General Business Zone
- Commercial Zone
- Light Industrial Zone
- General Industrial Zone
- Rural Zone
- Agriculture Zone
- Mixed Use Zone
- Environmental Management Zone
- Utilities Zone
- Community Purpose Zone
- Recreation Zone
- Open Space Zone

The majority of properties have been transitioned from their current zone under the Interim Planning Scheme to the equivalent zone under the LPS. For example, from General Residential to General Residential. Some strategic rezonings have been included, but have been limited to the recommendations from the recently adopted Central Area Development Strategies. A full description of the zone transitions and zone changes is provided in the LPS Supporting Report, which is an appendix to this report.

16 codes have also been set under the SPPs, with 14 codes considered to be mandatory. The two optional codes, being the Scenic Protection zone and Local Historic Heritage Code are not recommended for inclusion. It is considered that the development standards within the SPPs adequately protect sites of scenic significance, and use of the new scheme will inform the need to enact this code. The current Waratah-Wynyard Interim Planning Scheme does not utilise the Local Heritage Code, and significant planning studies would be required to identify areas and site of local heritage significance, and the reasons for protection and inclusion within the code. Council currently relies upon the Tasmanian Heritage Register for protection of heritage sites and areas.

Councils have also been required to prepare a collection of other supporting material required to comply with the legislative requirements of preparing an LPS. These are also attached to this report, and include the series of maps that present the LPS zones and codes. All of this material is to be adopted and referred to the TPC for assessment.

STATUTORY IMPLICATIONS

Statutory Requirements

The Land Use Planning and Approvals Act 1993 (LUPAA) sets out the various processes for making of a planning scheme. Planning schemes must comply with the objectives of the Resource Management and Planning System of Tasmania. Included in this is compliance with state planning policies, regional land use strategies, and state planning directives. Planning schemes are subordinate legislation operating under state Law.

The degree to which a Planning Authority (Council) may influence the preparation and direction of a planning scheme is limited to the extent provided for in state law. With a range of state directives and policies in place the extent to which a local Council may influence content and structure of a municipal planning scheme is limited. Despite this limitation a Council is in the position to be able to consider local needs and community aspirations, and to give effect to these through assigning land use and development opportunities in a coordinated and sustainable manner.

There are further provisions which enable directions to be made by the Minister to amend the interim planning schemes. These are all outlined in Section 35 of the above Act. In order to enable smooth administration of this process it is recommended that the Council authorise the General Manager to make any inconsequential amendments required by the Minister for Planning. The Minister for Planning is able to direct that these amendments be made under section 35(5) of LUPAA and it is considered most efficient if the General Manager be delegated to make these changes in order to comply with statutory deadlines

The flow chart provided at Figure 1 depicts the process to be followed.



Figure 1 LPS approval process

Upon completion and approval of the LPS, the Tasmanian Planning Scheme will replace the current Waratah-Wynyard Interim Planning Scheme. This means that development applications being processed may need to be amended or withdrawn and re-submitted to address the provision of the new Tasmanian Planning Scheme. This process will be managed, with Council able to advise applicants of likely timeframes during the final stages of the LPS approval. There should be good understanding of the commencement date one to two months in advance.

Additionally, there are provisions under LUPAA that allow the Commission to specify a commencement date when the LPS is gazetted. Therefore, the Planning Authority could liaise with the Commission to set a commencement date that provides sufficient time to resolve planning applications that are already in the process of assessment.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

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

GOAL 5: Economic Prosperity
Desired Outcomes
Pathways to improve liveability now and in the future are provided.
Our Priorities
5.8 Ensure evidence-based allocation of infrastructure and land use to enable sustainable growth.

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.

FINANCIAL IMPLICATIONS

The making of a planning scheme is a costly process. While the vast majority of the drafting has been completed in house, many staff hours have been dedicated to this project, particularly from Council's Town Planner and GIS Officer. It is not possible to directly account for the many hours of participation in this process by Council staff over the last 6 months. There has been minimal reliance upon external consultants, with the cost of the external consultants engaged covered by State government funding.

Responding to the Commission's review of the LPS, followed by the public consultation and hearing processes will be in addition to the many hours already attributed to this project. This is considered to be a vital component of the process.

To undertake effective public consultation and respond to public submissions, followed by the Commission's hearings process is an unknown quantum of work, as no other councils have been through this process yet.

Post the adoption of the LPS and making of Waratah-Wynyard's Tasmanian Planning Scheme, Council may choose to retain the on-line mapping tool on Council's website. The success of the mapping tool will be monitored throughout the consultation phase. Should the interactive tool prove popular and considered easy to use by the public, it's retention may result in less reliance upon Council planning staff to address standard planning enquiries.

RISK IMPLICATIONS

- Legislative compliance

Essentially Council has no option but to participate in this process. There is a risk if Council doesn't deliver its draft LPS to the commission by the end of June 2019, then the Minister can direct Council to finish the draft LPS, or direct the Commission to prepare the draft LPS for Council, removing any potential for control over local input.

The Minister for Planning has powers that would allow a direction to be issued to a Council for a LPS to be provided within 42 days, and if not provided the TPC would have the power to prepare one for the municipal area.

This would also be a risk to Council's reputation, being seen as not being capable of delivering a LPS, or by being willingly disobeying and Not complying with the State Government's planning reform agenda.

CONSULTATION PROCESS

There has been limited consultation to date. Council has discussed some potential rezonings with land owners, particularly through the development of the Central Area Development Strategies.

The public have previously been consulted with by the State Government regarding the SPPs. The SPPs are not matters on which public feedback will be sought, as this occurred during 2016/17.

The draft LPSs will involve a significant level of public exhibition, comment and public hearings as the formal process for the making of the draft interim planning scheme. The LPS will be advertised for a period of 60 days. Council is then required to review all of the submissions made on the LPS, and prepare a report responding to each of the submissions. This is then reviewed by the Commission, who will hold hearings to consider some or all of the issues raised in the submissions.

Council will need to determine how to consult with the community during the exhibition period. Council may wish to write to all landowners, write to landowners where zones have been changed, or use multiple means to inform the community of the exhibition process. A communications plan will be developed prior to the Commission directing Council to exhibit the LPS. The Act includes the minimum requirements for exhibition, which include the timeframe, and the provision of material within Council offices to be viewed by the public.

It is proposed to use an online mapping service to assist with consultation, which includes:

- Local Provisions Schedules (Statutory Exhibition) - a publicly accessible mapping platform through a web service for easy viewing and navigation of the LPS zone and code overlay mapping
- Priority Vegetation Area Overlay Mapping and Reporting ie reports related to vegetation, habitat and the Regional Ecosystem Model

The public facing web map allows easy access and viewing of Council's LPS. It assists Council in meeting the requirements for providing access to the LPS for public exhibition. The use of PDF maps, can be problematic and difficult in the public viewing of planning information, particularly given the need for multiple series of mapping for various components of the Tasmanian Planning Scheme. Online mapping enables the person to simply turn individual layers on and off.

The on-line mapping service also includes Priority Vegetation Area Mapping and Reporting, which enables Council and the public to select properties and generate a report that maps and explains the sub-components of the Regional Ecosystem Model (REM). The REM is the basis of the Priority Vegetation Area overlay (a mandatory requirement for the LPS).

Post the adoption of the LPS and making of Waratah-Wynyard's Tasmanian Planning Scheme, Council may choose to retain the on-line mapping tool on Council's website. The success of the mapping tool will be monitored throughout the consultation phase. Should the interactive tool prove popular and considered easy to use by the public, it's retention may result in less reliance upon Council planning staff to address standard planning enquiries.

CONCLUSION

In making this decision, whilst the result of much work undertaken to date, it is not the conclusion of this work, but rather the transition to the next part of the process for the adoption of the Tasmanian Planning Scheme. The process is presented in Figure 1.

Even with the finalisation of the planning schemes this still leaves open the opportunity for further amendments or rezoning to occur into the future if and when a need arises.

There will no doubt be some initial teething problems with the introduction of the new schemes. Ultimately these changes will bring a level of consistency and certainty across the state.

This combined with modernised administration and access to the schemes through online mapping and enquiry systems will improve the accessibility of information and provide for consistent administration of state planning laws of which municipal planning schemes are subordinate to.

It is therefore recommended that the Council resolves:

1. Pursuant to section 35 of the *Land Use Planning and Approvals Act 1993*, provide to the Minister for Planning a Local Provisions Schedule for the Waratah-Wynyard municipal area; and
2. The Draft Waratah-Wynyard Local Provisions Schedule include –
 - a) All of the mandatory content required in accordance with section 32 of the *Land Use Planning and Approvals Act 1993*;
 - b) The local provisions required for the specific circumstances and conditions of the Waratah-Wynyard municipal area;
 - c) The maps, including the draft zoning maps, that indicate the land to which the provisions of the State Planning Provisions are to apply; and
3. To authorise the General Manager to make amendments to the draft Local Provisions Schedule as may subsequently be required by the Minister for Planning.

7.0 MATTER RAISED BY COUNCILLORS

Legislative Reference:

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

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

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

(1) *A councillor, at least 7 days before an ordinary meeting of a council or council committee, may give written notice to the general manager of a question in respect of which the councillor seeks an answer at that meeting.*

(2) *An answer to a question on notice must be in writing.*

7.1 RESPONSE(S) TO COUNCILLOR QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING**7.1.1 CR G BRAMICH - PREOLENNA HALL BUDGET QUERY****QUESTION**

Cr Bramich noted that he believed there was a motion in 2013 that \$6,000 go into the budget to dispose of Preolenna hall and asked if documentation could be reviewed.

OFFICERS RESPONSE

A review of Council records concludes that there was no motion or budget figure of \$6,000 approved for or included in 2013 or 2014 budgets.

7.1.2 CR K HYLAND - PREOLENNA HALL**QUESTION**

Cr Hyland asked if tribute/memorial at Meunna could be considered in conjunction with the review of the Preolenna Memorial.

OFFICERS RESPONSE

The consultation period regarding the possible relocation of the Preolenna Memorial closes at the end of June with analysis of the feedback and a determination to be made in July. The above point will be considered as part of these deliberations.

7.1.3 CR D FAIRBROTHER - CROWN LAND CONSENT FOR SIGNS**QUESTION**

Cr Fairbrother asked if copy of crown land approval for signs at Boat Harbour Beach can be provided. The Director of Infrastructure and Development Services advised that a copy of the letter has been sought from Crown Land Services and should be available for this week

OFFICERS RESPONSE

Council officers were provided verbal approval to proceed with the signs with commitment provided that written approval would immediately follow. Council is awaiting receipt of the letter and officers are following up the response.

7.1.4 CR D FAIRBROTHER - CAMPING AT BOAT HARBOUR BEACH

QUESTION

Cr Fairbrother stated that he believed that the response to the previous question (refer item 7.2.2 May agenda) was insufficient and asked for clarification as to why previously (in 2012) a planning permit was required and one is not required now.

Cr Fairbrother also noted change of use from “camping” to “recreation” and stated that he believed that a change from freedom camping to camping is change of use and intensity. He also noted that previously it was agreed that freedom camping would be allowed but not tents.

OFFICERS RESPONSE

The information provided in the Officers reply at the May meeting clarifies the current position regarding existing use rights and planning permits.

The current By-law that Council operates under does not exclude tents from the definition of camping. The By-Law can be amended if desired by Councillors and certainly as part of progression of the Boat Harbour Masterplan and Freedom Camping Strategy. It should be noted that any change to a By-Law is a lengthy process. Similarly, camping is defined under the Interim Planning Scheme as the use of land to allow accommodation in caravans, cabins, motor homes, tents or the like. Camping is then included within the Visitor Accommodation use Class. With regards to intensity, the intent of the interim signage is to restrict areas that had been used for camping, thus decreasing intensity.

7.1.5 CR D FAIRBROTHER - ASSESSMENT OF DOG EXERCISE AREA

QUESTION

Cr Fairbrother asked that copy of previous assessments of dog exercise areas be provided

OFFICERS RESPONSE

The report has been included as part of this agenda

7.2 COUNCILLOR QUESTIONS RECEIVED IN WRITING

7.2.1 CR D FAIRBROTHER - RESTORATION OF BEACH ACCESS SISTERS BEACH

QUESTION

Is there a start work date for the restoration of beach accesses at Sisters Beach?

OFFICERS RESPONSE

The planned works for the restoration of the Sisters Beach access nodes are currently going through planning approval, it is expected this will take 3-4 weeks. Once the planning process is complete, approval will be sought from Crown Land Services. It is expected that work will be able to commence in 6-8 weeks.

7.2.2 CR D FAIRBROTHER - WESTERN SIDE OF SISTERS CREEK REHABILITATION

QUESTION

Is there any funds been set aside for the rehabilitation of the Western side of sisters Creek after the pine trees have been removed?

OFFICERS RESPONSE

To date Crown Land Services have not yet approved tree removal on the western side of the bank. As such, neither has rehabilitation of the western side of the creek been approved by Crown Land Services. Therefore, no budget has been established for this purpose.

7.2.3 CR D FAIRBROTHER - STUMP REMOVAL SISTERS CREEK

QUESTION

Is it intended to remove or stump grind the roots of the pine trees on the Western side of sisters Creek after the tree removal.

OFFICERS RESPONSE

In 2017 Council partnered with Crown Land Services to co fund removal of some dangerous trees on the western side of the Creek area at Sisters Beach. A condition of this removal was that the stumps remain in place to not destabilise the dune. In close proximity to this dune is a private residence that may be put at greater risk if this dune is destabilised (see picture below).



It is likely that Crown Land Services will hold a similar view of risk management to the private residence in dealing with the latest report of dangerous trees requiring removal on this western bank. To date we are awaiting a final response from Crown Land Services who are the land owner.

7.2.4 CR D FAIRBROTHER - SISTERS BEACH LOCAL AREA PLAN

QUESTION

Can the previous local area plan work for Sisters Beach be provided to Councillors?

OFFICERS RESPONSE

The Sisters Beach Open Space Plan 2015 will be provided to Councillors under separate cover.

7.2.5 CR D FAIRBROTHER - CAMPING STRATEGY

QUESTION

Can Councillors be provided with a copy of the camping strategy document as prepared and provided by David Hammond?

OFFICERS RESPONSE

The Freedom Camping Report – 5 May 2019 prepared by David Hammond, Director Business Lab is included as an attachment to the Freedom Camping Report on this agenda.

7.3 COUNCILLOR QUESTIONS WITHOUT NOTICE

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

8.0 NOTICE OF MOTION

Legislative Reference:

Local Government (Meeting Procedures) Regulations 2015; Regulation 16

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

8.1 CR D FAIRBROTHER - WORKING GROUP FOR SISTERS BEACH

MOTION

That Council determine the make-up of and representation of a working party to further advance local issues with the community at Sisters Beach.

BACKGROUND INFORMATION

Council have had a number of community-based issues that have been on the drawing board for way too long. The intent of the motion is to set up a working party to partner with the local community to advance and action some of these local issues.

A body of work has been previously undertaken and the intent is that this work would be revisited, updated and used as a basis for future planning for the development of the area. It is hoped that once a longer-term vision for the area is established an order of priority can be established for works and then Funding can be sought to implement the projects.

The local community at Sisters Beach has just appointed a number of community members to represent the Sisters Beach Community Association and as a group of proud local residents they would like to partner with Council on advancing local issues.

OFFICERS COMMENT

Working Groups can be an effective way to engage with the local community and would be a model that should be considered for Sisters Beach. It is imperative the working group has a clear terms of reference, measurable outputs and a finite date to best enhance likelihood of success.

The General Manager has indicated to representatives of the Sisters Beach Community Association that a working group would be established to advance discussions on local issues such as the recreation hard stand, a possible community centre and camping. This motion provides an opportunity for Councillors to determine their representation on such a group.

More broadly, there are a range of initiatives that will require working groups to progress planning and development and Council may wish to take the opportunity to appoint representatives at this time. A summary of these possible groups is as follows:

Somerset Sporting Precinct

Purpose - To develop / refine broader Somerset Sporting precinct concept plans

Possible members – Elected members, Council Officers, Somerset Primary School, Somerset Football Club, Somerset Cricket Club, Somerset Soccer Club

Sisters Beach Masterplan

Purpose – To progress recreation, Community Centre and camping discussions

Possible members - Elected Members, Council Officers, Sisters Beach Community Association Representatives, Community Members

Wynyard Showgrounds

Purpose – to progress future showground masterplan and business plan

Possible members – Elected Members, Council Officers, users/committees of the Showgrounds

Environmental Plan

Purpose – to undertake development of environmental plan

Possible members - Elected Members, Council Officers, community members, industry experts

Cam River Reserve Masterplan

Purpose – to progress a masterplan for the area

Possible members - Elected members, Council Officers, Building Somerset Futures, Somerset Rotary Club, Community members

The above members are indicative only and subject to change. Based on the above information, a suggested recommendation is as follows:

That Council:

1. Appoint Cr _____ and Cr _____ to a working group to further advance local issues with the community at Sisters Beach.
2. Appoint Cr _____ and Cr _____ to a working group to progress the masterplan at the Wynyard Showgrounds
3. Appoint Cr _____ and Cr _____ to a working group to develop Council's Environmental Plan
4. Appoint Cr _____ and Cr _____ to a working group developing a masterplan for the Cam River Reserve
5. Appoint Cr _____ and Cr _____ to a working group to develop and refine Somerset Sporting Precinct Plans

Following favourable consideration of the above, Council Officers will approach possible members to participate and will draft terms of reference documents for the first meetings of the groups.

MOTION

That Council determine the make-up of and representation of a working party to further advance local issues with the community at Sisters Beach.

8.2 CR D FAIRBROTHER - DISPOSAL OF COUNCIL BUILDING

MOTION

That Council initiate a process to give effect to the disposal of the Council building located off Honeysuckle Avenue behind the fire station.

BACKGROUND INFORMATION

The building subject to the motion has been an asset of Council since the acquisition of the land. Under Council ownership and using its best endeavours Council have not been able to establish a use for the building.

OFFICERS COMMENT

The building above has remained unused for a number of years and considerable expense would be required to upgrade the building to meet current standards and requirements. In the 19/20 budget, it is estimated that this asset will cost Council \$3,675 made up of TasWater costs, land tax and depreciation. This figure is consistent with previous years.

To action the proposed motion, Council officers will prepare a detailed report on the current state of the building, expenditure, options, legislative requirements and any other considerations and present this to the July Council Meeting for deliberation.

MOTION

That Council initiate a process to give effect to the disposal of the Council building located off Honeysuckle Avenue behind the fire station.

8.3 CR D FAIRBROTHER - PINE TREE REMOVAL SISTERS BEACH

MOTION

That Council provide an allocation in its budget for the rehabilitation of the Western side of sisters Creek after the pine trees have been removed.

BACKGROUND INFORMATION

It is anticipated that as a safety matter the trees on the western side of Sister's Creek are to be removed. A sum of funds will allow plantings or rehabilitation of the area to enable stabilisation and beautification of the area.

OFFICERS COMMENT

A budget amount could be set now however Crown Land services approval for tree removal or subsequent rehabilitation works or the cost share arrangements that Crown Land Services would like to negotiate has not been received. Therefore, a specific budget amount is hard to identify.

An alternative approach with the same intent is that upon approval by Crown Land Services and negotiation of cost sharing a budget amendment is triggered to achieve this outcome.

MOTION

That Council provide an allocation in its budget for the rehabilitation of the Western side of sisters Creek after the pine trees have been removed.

9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 FREEDOM CAMPING

To:	Council
Reporting Officer:	Director Community and Engagement
Responsible Manager:	General Manager
Report Date:	11 June 2019
File Reference:	0.0
Enclosures:	1. Freedom Camping Options Report May 2019

RECOMMENDATION

That Council notes the Freedom Camping Options Report and develop and implement plans for public camping within the municipality in line with the guidelines outlined in the report

PURPOSE

To consider the Freedom Camping Options Report and use this to inform the implementation strategy for public camping in the municipal area that manages the expectations of RV visitors and protects the amenity of valued natural resources for the community.

BACKGROUND

Freedom Camping, more accurately described as Public Camping, has been a difficult and sometimes divisive issue in the community. There are conflicting views on how to address the competing interests and to achieve an acceptable outcome.

Council considered a report at the July 2018 Council meeting on a public camping Strategy and Locations across the municipality. The report recommended that Council note the information relating to freedom camping; and:

- 1. Agree to develop a Freedom Camping Strategy document;*
- 2. Proceed with necessary planning for establishment of a site for freedom camping at Sisters Beach;*
- 3. Determine that a designated freedom camping site will not be provided for in Somerset or Yolla;*
- 4. Explore low cost camping opportunities at Waratah through the existing caravan park or creation of an overflow area;*
- 5. Continue to offer freedom camping at the Wynyard Showgrounds until such time that feasibility studies can be completed on Lions Park or any other possible location within the Wynyard area;*
- 6. Trial a designated area for freedom camping at Boat Harbour Beach;*

All recommendations were adopted with the exception of the recommendation in relation to public camping at Boat Harbour Beach which was deferred through a procedural motion

That Council DEFER THE MOTION to trial a designated freedom camping at Boat Harbour Beach until after a postal survey is conducted by council requesting a yes or no response from the rate payers of the BHB community regarding their opinion on Freedom Camping in their beach side resort.

This motion was carried, and the Boat Harbour Beach Freedom Camping Survey was conducted.

In November 2018 Council adopted the following strategies for Boat Harbour

- 1. Note the Boat Harbour Beach freedom camping survey results*
- 2. Note that the Freedom Camping Strategy will inform the scope of freedom camping in Boat Harbour*
- 3. Proceed with the development of an Implementation Plan for designated and regulated freedom camping at Boat Harbour Beach*
- 4. Ensure the Boat Harbour Beach Development Plan identifies the location for a freedom camping site within the Plan*

In early 2019, David Hammond from Business Lab was contracted to develop an options report to inform Councils approach to public camping.

In January 2019 the State Government released the National Competition Policy: Applying Competitive Neutrality Principles to public camping in Tasmania. This Paper provided advice to Councils on public camping and the criteria for determining competitive neutrality.

Public Camping was determined to be a significant business activity based on the quantitative market share threshold of 10% of the total number of non-powered camping sites within a geographic area of 60 km drive from the public camping facility. This was a key consideration in the development of the Camping Options Report.

DETAILS

The Hammond report provides a methodology and guide for decision-making on future policy. Overall the report concludes:

- There are an estimated 774 available unpowered campervans sites in the Municipality, and only 290 campervans estimated to be visiting at-peak. Whilst the figures need confirmation through some better measurement over the summer period, there would seem to be ample supply of non-powered sites in the Municipality already without the need for further investment into development.
- The Council's role is therefore not to provide more supply but in managing the impacts of congestion at peak at some sites and assisting education of campervans to overnight in the right areas. That addressing of the congested points may be the strongest case for investment in supply but also leads to a conversation with

private providers and the public on potential solutions, and assessment of competition.

- An estimate of the contribution of freedom camping to the Municipality's economy is A\$358,904 per year.
- It is this report's view that the impact of the Economic Regulator's provisions will reinforce that Council's strategy is not to provide supply but to mitigate congestion. However, it does mean that council will not be able to easily respond to community organisations seeking to earn revenue off a council lease area through paid overnighting.
- If Council is concerned with the quality of private sector accommodation and facilities provision in this tourism area (which should be known for international quality facilities), Council's strategy will be to look at partnership and potential co-investment with the private sector to raise standards, not to develop competing sites.
- Currently the Council's bylaws effectively form a 'blanket ban' on campervan overnighting in the Municipality with the exception of State Highway road verges (not under council control).
- Bylaw provisions to provide for specific sites for freedom camping would have to be well-crafted and well-consulted, and now also come under the spotlight of the guidelines for competitive neutrality. Such provisions should address number of vehicles at a site, self-containment, times of the year, hours of parking, radius around the vehicle permissible for campers to spread their washing and possessions, restrictions on using public drains for washing down food material, fires, dogs on leashes and noise.

The Hammond report identified that although public camping delivers an economic benefit to the community through supermarkets and service stations primarily that it is still seen as a low value visitor option. Also, that there is ample supply within the market, however Council can play a pivotal role in managing impacts of congestion during peak times in popular locations. The adopted position of Council to formalise public camping at Boat Harbour and potentially Sisters Beach will not exceed the requirements of National Competition Policy.

The report highlights a range of approaches to public camping but recommends a Balanced Welcoming approach to achieve the outcomes Councils is seeking.

A Balanced Welcoming Approach means as a community –

“We seek to be good hosts of our visitors and we seek them to be good guests when they come to our place. To achieve that we'll give a high level of warm, welcoming support and

embrace their cultures, but we will also put in place the measures to protect the values and environments important to us.”

1. A warm embracing area to visitors in a way which balances economic benefits with Municipality values and quality of environment
2. Working hard to ensure that all visitors are good neighbors, and the Municipality is a good host by providing the right facilities at the right places for free camping vehicles
3. Providing excellent education and information to assist visitors
4. Encouraging of free camping but with more restrictions on overnighting of non-self-contained vehicles and in public places under pressure from overnighting

The rationale for Council managing sites is to aim to protect:

- Access to the area: the length of RVs that can limit other vehicles’ movements or protrude over footpaths alongside the parking area limiting access to the elderly, pushchairs and mobility impaired, also recognises that public access to the reserve or foreshore needs to be retained for amenity values.
- The environment: The Council is obliged to protect sensitive natural environments such as dunes, flora and fauna such as bird breeding areas and also cultural areas.
- Public safety: RV can pose a traffic hazard, can be near a reserve area subject to flash flooding or can be at-risk from a known vandalism area.
- and to ensure competitive neutrality is maintained: In making additional provision the number of spaces cannot cross the threshold of competitive neutrality.

The Guidelines within the report assist in developing an implementation plan for each of the areas agreed by Council in the July 2018 as public camping locations.

Public Camping Guidelines:

Length of stay	2 nights
Times overnight	10pm to 7 am
Cost to stay	\$10 -17
Number of spaces	Site specific number at each site
Car Parks	Day use only
Waste management	Self-contained only
Facility access	Dump point and toilets where possible
Enforcement approach	Balanced welcoming
Permits	Available from Visitor Centre or under agreed management model
Enforcement	Determined by bylaw – penalty points
Rules	Contents contained with 1.5m, no fires etc.

Consideration should also be given to no camping at all in areas such as Boat Harbour Beach for the periods May to August to allow for rehabilitation of grassed areas.

Implementation process for identified sites:

Boat Harbour

- Determine number of sites and location from Boat Harbour Beach Development Plan
- Determine management model – community partner
- Refine interim signage to reflect permanent arrangement

Sisters Beach

- Consultation with community to determine need
- Identify site requirements
- Determine management model – community partner
- Develop budget for development of the site

Wynyard Showgrounds

- Complete discussion with Lion Club regarding alternate location at Lions Park
- Consult with Show Society on alternative location within Showgrounds or change of use for current site

Somerset

- Install signage advising that the areas identified are for Day Use only.

STATUTORY IMPLICATIONS

Statutory Requirements

Council By-Laws will provide the legislative powers to regulate any freedom camping sites.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 3: Connected Communities	
Desired Outcomes	
Our natural and built environment aids the community with an active and healthy lifestyle.	
Our community uses its voice to shape its future alongside a strong Council willing to listen and implement where reasonable and practical.	
Our Priorities	
3.1	Promote and work with stakeholders to provide affordable quality services.
3.3	Deliver planning for activation through effective urban design and planning that promotes liveability, social gathering and connectedness, and which recognises and celebrates local history.
3.7	Promote and strengthen community safety to retain and attract families to live and recreate in Waratah-Wynyard.
GOAL 4: Community Recreation and Wellbeing	
Desired Outcomes	
Our community is welcoming and supportive.	
Our community values, encourages and supports physical, social and cultural activities.	
We provide recreational opportunities to the community for all ages and abilities.	
Our community enjoys access to visually appealing safe spaces and facilities for recreation.	
Our Priorities	
4.1	Commit to ongoing recreation and open space planning to ensure evidence-based decisions are made about the role of Council and its partners in recreation.
4.2	Focus on the value of recreation in promoting the health and wellbeing of our community.

4.3	Employ land-use planning strategies to promote connectivity and equity in the allocation or use of open space for recreation purposes.
4.4	Provide and maintain quality and safe places and spaces for physical, social and cultural activities, including shared and multi-use facilities where possible.
4.5	Collaborate with community organisations that provide recreation opportunities to our community.
4.6	Encourage community providers to be welcoming, supportive and inclusive, and to provide for all ages, abilities and cultures.
GOAL 5: Economic Prosperity	
Desired Outcomes	
We understand our local and regional potential, and we plan for and encourage investment in it.	
Our Priorities	
5.2	Investigate and embrace new economic opportunities.
5.4	Assess potential capability for economic expansion.
5.8	Ensure evidence-based allocation of infrastructure and land use to enable sustainable growth.
5.9	Actively manage community and economic growth through community engagement.
GOAL 7: Environment	
Desired Outcomes	
Tourists and residents visit and appreciate our natural environmental attractions and unique surroundings.	
Residents and visitors are provided with information and helped to access and appreciate our natural and heritage assets.	
Elements of our natural environment provide opportunity for economic development through the manufacture and distribution of our renewable energy industry and reduced land use conflict.	
Stewardship of our land, water and marine ecosystems respects past, present and future generations.	
Our Priorities	
7.2	Foster opportunity through sustainable development and community engagement.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Business & Industry	Specialised diversity of the economy – Value adding, diversification, innovation and employment. A resilient economy with global brand recognition and growing exports.
Tourism	Memorable visitor experiences all year round – The must see destination, quality product, easy access, popular events and festivals with coordinated marketing. A longer season with increasing yields.
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.

FINANCIAL IMPLICATIONS

There will be financial implications in any change to current use of Council land for public camping. This would include marketing and promotion, signage and infrastructure improvements if required.

RISK IMPLICATIONS

There is a risk of further actions taken against Council for anti-competitive provision of camping sites. There is also reputational risk for the area from a visitor interest perspective if there is a perception that Waratah-Wynyard is not RV Friendly.

Where planning applications are required, statutory processes will be followed allowing for representations against any proposed location.

CONSULTATION PROCESS

There has been consultation in relation to public camping across a range of processes including the development of the Open Space Sport and Recreation Plan. These have been specific to areas with issues or in areas where this activity could occur. There has also been consultation on broader matters that impact, or are influenced by, public camping.

Further communications and/or consultation will be required as the implementation plans are developed.

The recommendations in this report have been derived following a series of workshops with Councillors, taking into account the OSSR recommendations, survey results and community sentiment.

CONCLUSION

It is therefore recommended that Council adopt the Freedom Camping Options Report and commence development of implementation plans for public camping within the municipality.

9.2 DOG EXERCISE PARK

To: Council
Reporting Officer: Director Community and Engagement
Responsible Manager: General Manager
Report Date: 5 June 2019
File Reference: 1111
Enclosures: 1. 2014 Off Leash Dog Area Proposal

RECOMMENDATION

That Council select the area between the Cemetery and Table Cape Primary School as its preferred site for a dog exercise park and commence consultation with Wynyard Rotary Club and other potential partners to complete a design and cost estimates for the site for further consideration.

PURPOSE

To provide information regarding the possible establishment of a designated dog exercise area in Wynyard

BACKGROUND

Council adopted a motion at the April 2019 meeting

That Council officers prepare a report on the establishment of an enclosed dog exercise area within Wynyard.

Background/supporting information for the motion

This Motion is put forward following feedback from many community members on the desire for an enclosed dog exercise area in Wynyard. It is recommended that the dog exercise enclosure be erected on the old tip site – situated between the Cemetery and Table Cape Primary School.

During consultation for the OSSR Plan respondents listed a fenced dog socialisation/exercise park as one of the activities that should be available in Wynyard. It would be appreciated if the report could be completed in a timely manner so appropriate consideration can be given as part of the 2019/20 budget process.

In 2014 the Council Recreation Advisory Special Committee reviewed provision of an off-leash dog park in response to enquiries from the public and elected members. A discussion paper was developed which outlined provision of off-leash areas, demand and potential future provision.

The key findings of the discussion paper concluded that:

- The municipality has several off-leash dog areas
- The vast majority of Council's designated off leash dog areas were 'beach' locations.
- Frederick Street Reserve was the only other known place or space where a dog owner can take their dog to exercise safely off-leash.

-
- There were no purpose-built dog parks.
 - Council needed to plan for more off-leash areas or parks in suburban settings to:
 - cater for current and future levels of dog ownership
 - to respond to a predicted increase in requests by other uses of parks, reserves and open space including beaches to restrict or exclude dogs from these places or spaces

The general recommendations from the discussion paper were that Council:

- Does not offer any more beach locations as off-leash dog areas.
- Looks to converting some established open space into off-leash dog exercise areas or parks if there is increased community demand for off-leash dog areas or parks.
- Assesses each area of open space that might become an off-leash dog park/area and determine what elements might or might not be required i.e. determine what required but cost-effective elements might be needed including to fence or otherwise.
- Looks at deleting some 'beach' options or increasing the 'seasonal' or 'time' restrictions that might apply to those locations if off-leash dog exercise areas or parks can be developed within suburban settings within the Waratah-Wynyard Municipality.

DETAILS

The analysis undertaken for the 2014 Off-Leash Dog Park Discussion Paper remains relevant to the current situation.

The key factor in not progressing an enclosed area in 2014 was the supply of off-leash areas in the municipality and a view that this was sufficient to meet demand. The paper however did predict that Council would need to plan for more off-leash areas or parks in suburban settings to meet future needs.

There are no specific actions or recommendations within the Open Space, Sport and Recreation Plan. There was feedback during the consultation phase of the OSSR Plan that fenced dog exercise area provision was a desired facility in the community.

Community interest in the establishment of a dog park is growing. There is anecdotal feedback that participants surveyed at the Dog Fest events in Wynyard supported the establishment of an enclosed dog area. As a result, the Wynyard Rotary Club has expressed an intent to partner with another organisation to establish an enclosed Dog Park and has recently approached Council in this regard.

Council officers have met with the Wynyard Rotary Club in recent months and they maintain a willingness to partner with Council on the project and provide in-kind and financial contributions where possible. Wynyard Rotary Club have advised that they have considered the options available to establish a Dog Park in the Wynyard town area and has come to a decision that the land between the old cemetery and the Table Cape Primary School (i.e. the old refuse tip) has the greatest potential.

Provision of a dog park was one of the main projects requested by the community for inclusion in the budget as part of the 2019 community survey.

The key considerations in establishing an enclosed dog park

Benefits	Challenges
Safe area for off-leash play for dogs	Risk issues – dog attacks, dogs digging holes
Peace of mind for owners knowing the dog is enclosed – can't run off	Capital and Operational cost
Social space for dogs and people to interact	Owners leaving untrained/un socialised dogs
Deter dogs from prohibited areas	Concentration of dogs in one area
Potential to assist in managing prohibited areas	Users not adhering to requirements of use
There are currently no enclosed areas for dogs	Compliance enforcement
Opportunity to educate owners on responsible ownership	Risk to owners if intervening in dog fights
Redirect activity away from local recreation grounds	Maintenance of the area
	Noise

Additionally, consideration need to be given to responsibilities of dog owners in utilising an enclosed dog park and how this will be managed. DDA compliance and access to public toilets may also be considered.

FACILITY REQUIREMENTS

- Fences – 1.8 metres, chain link (perimeter)
- Low internal fence for small dogs
- Gates – double gated entry
- Service access gate
- Water -drink station
- Bins
- Shade – natural or built
- Bench seats
- Natural obstacles
- Signage
- Ground area – good standard to enable maintenance and mobility around the park
- Footpath access
- Carparking access

REVIEW OF POTENTIAL SITES

Site	Benefits	Challenges
Land between the Cemetery and Table Cape Primary School.	<ul style="list-style-type: none"> • Large space • Trees for shade • Currently unused with no prospects of future development • Not close to residential area • Close to walking track network • On street parking • Good walking access • Water on site • Public toilets nearby • Potential to hold events, such as dog fest, on site 	<ul style="list-style-type: none"> • Ground uneven • Poor visibility over hill • Close to cemetery • Next to school – prohibited area for dogs • Potential parking congestion during school drop off and pick up and funerals • Noise
Low Street	<ul style="list-style-type: none"> • Good ground surface • Shade trees • On street parking • Good walking access • Water on site 	<ul style="list-style-type: none"> • Close to playground – need to achieve clearance • Close to residential area • Noise • Better fit for housing/other development
Lockett and Martin streets -2 sites	<ul style="list-style-type: none"> • Large flat space • Good ground surface • A tree • Dual access to site 	<ul style="list-style-type: none"> • Close to residential area • Better fit for housing/other development • Disruption to local dogs • Noise
Showgrounds (cattle pavilion)	<ul style="list-style-type: none"> • Good grounds • Improvement in utilisation of space • Some shelter • Dual use area • Water • Dog Fest event recognised on site • Walking track access 	<ul style="list-style-type: none"> • Close to residential area • Noise • Dogs on playing surface • Not large area • Difficulty modifying the area because of dual use. • Discussions between Rotary Club and Show Society appear to have stalled

STATUTORY IMPLICATIONS

Statutory Requirements

Provision of an Enclosed Off-Leash Dog Park must be in accordance with the *Dog control Act 2000*

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL
Desired Outcomes
We provide recreational opportunities to the community for all ages and abilities.
Our Priorities
4.2 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:
Strong communities and social capital	Enduring community capital – Growing, proud, self-reliant communities that are inclusive and engaged with volunteers and shared facilities.
Health and Wellbeing	Maintaining good health and wellbeing – Healthy communities, people taking responsibility for their wellness, convenient access to medical services and facilities.
Place making and liveability	Liveable places for all ages – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Once the preferred site is determined, a design can be completed and associated estimates produced. This will then become an opportunity for Council whether it wishes to proceed with the project.

Fencing is likely to be the major capital cost and all alternate fencing design and materials will be considered.

Operationally, the site would require similar mowing to what is provided currently and there would be costs for additional waste bags and collection.

The potential contribution from the Wynyard Rotary Club has not been quantified.

A staged approach may be possible, with fencing and immediate needs addressed as part of the initial development, with the Rotary Club to source and provide additional features such as seating, shading and exercise equipment progressively over future years.

RISK IMPLICATIONS

There is growing community interest in a designated dog exercise area and Council may be expected to make a decision on this matter as soon as possible to respond to community requests.

The area will need to be designed and located in such a way to reduce any risks and minimise any future financial operational burden for Council.

CONSULTATION PROCESS

Preliminary discussions have been undertaken with the Wynyard Rotary Club. Broader consultation will need to take place pending the outcome of this report.

Provision of a dog park was one of the main projects requested by the community for inclusion in the budget as part of the 2019 community survey.

CONCLUSION

There appears to be growing community interest in a designated dog exercise area within Wynyard and based on a desktop analysis, the area between the Cemetery and Table Cape Primary School appears to be the best site for this park.

Broader consultation and planning should now take place to complete design and detailed costings.

9.3 COMMUNICATIONS AND ENGAGEMENT STRATEGY

To: Council
Reporting Officer: General Manager
Responsible Manager: General Manager
Report Date: 5 June 2019
File Reference: 1111
Enclosures: 1. Draft Communication and Engagement Strategy

RECOMMENDATION

That Council adopt the draft Communications and Engagement Strategy

PURPOSE

To adopt the draft Communications and Engagement Strategy

BACKGROUND

Council has an existing Communications Strategy that is no longer relevant or referenced and requires review.

Clr House raised a successful Notice of Motion at the December 2018 Council meeting that the drafting of a Communications Strategy be given high priority.

DETAILS

As stated in the draft Strategy, Councils now need to communicate in a world that looks very different today than what it did a generation ago and even 4 years ago, and as such policies and practices must mature in line with changing technologies and community expectations.

The attached Strategy recognises that whilst Council does undertake a range of activities in the communication and engagement field, there are significant opportunities for improvement and alternate methods of delivery.

The following principles underpin the strategy -

- We will keep stakeholders **informed** with timely communication about Council projects, events and other newsworthy items.
- We will **listen** to our community by facilitating open, respectful two-way communication in order to build trust, encourage feedback and increase stakeholder understanding and support.
- With consideration for the diversity of our community, we commit to **engaging** with our stakeholders in innovative and meaningful ways that broaden our communication reach and increase the level of stakeholder engagement.

- We will **collaborate** with our stakeholders on major projects from conception to completion, incorporating feedback, advice and recommendations throughout the project lifecycle.
- We will deliver a **consistent** brand message and implement strategies to build awareness and advocacy amongst our stakeholders.

Furthermore. Council aims to achieve the following communication and engagement goals as outlined in the Strategy:

1. Develop an ongoing communications program to keep the community and key stakeholders informed about our programmes, services and decisions.
2. Build our reputation and identity through consistent messaging and engaging visual presence
3. Strengthen our Partnerships and community involvement through a council wide approach to communication, engagement and collaboration.
4. Build the capacity of staff and Councillors to communicate, engage and champion Council business.
5. Continue to build the tools and practice the principals of the International Association for Public Participation to become a leader in communication and community engagement.

It is recognised that the actions identified in this strategy will require a greater focus and change in direction to many current practices and as such acknowledge that contact review of the action plan will be required.

The subsequent points of Clr House’s motion (a Communications Policy, review of the Community Survey and report relating to a smart phone app) will be progressively actioned following adoption of this Strategy.

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL
Desired Outcomes
We make publicly transparent decisions on spending and future directions while encouraging community feedback.
We encourage broad community input to create a focussed and strong sense of belonging.
Our Priorities
1.1 Commit to best practice in community engagement.

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.
Health and Wellbeing	Maintaining good health and wellbeing – Healthy communities, people taking responsibility for their wellness, convenient access to medical services and facilities.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report as objectives for the 2019/20 financial year have been included in the annual plan and budget where required. Future tasks may require budget allocations in subsequent years.

RISK IMPLICATIONS

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

CONSULTATION PROCESS

Information from the recent Community Survey has been factored in to the final draft strategy.

CONCLUSION

The Communications and Engagement Strategy has been prepared to support Council's Strategic Plan and as part of Council's commitment to encourage open, transparent and active relationships between the Council, staff and the Community and to ensure Council is working towards delivering best practice communications and engagement outcomes.

It sets out an approach to communicating with residents, ratepayers, businesses, visitors, community groups and other members of our community and includes actions to show how Council will continuously improve over the next few years.

9.4 COMMUNITY ENGAGEMENT FORUMS

To: Council
Reporting Officer: Executive Officer
Responsible Manager: General Manager
Report Date: 5 June 2019
File Reference: 1111
Enclosures: Nil

RECOMMENDATION

That Council:

1. Commence biennial community “Drop in Sessions” at Wynyard, Somerset, Yolla, Waratah, Boat Harbour Beach and Sisters Beach.
2. Incorporate an amount of \$5,000 into the 2019/20 Budget to enable twelve Community Forums to be conducted within the financial year.

PURPOSE

To provide options for Council consideration regarding increased and improved community engagement.

BACKGROUND

Following a Notice of Motion at the April 2019 Council meeting by Cr Allie House, Council determined **“That Council give in-principal support for establishing community engagement events, and that Council prepare a paper detailing options for conducting these, for consideration and adoption.”**

In her motion Cr House noted the following:

In order to build trust, demonstrate transparency and ensure council operate in an informed manner, it is always best practice to openly engage with our community - not just at times of change or on contentious matters.

The October 2018 election “Candidates Forum” attracted more than 100 attendees at extremely short notice. This provides some demonstration as to the extent which our community are not apathetic to local government, and their desire to attend events of this nature and utilise opportunities to personally engage with Council.

The candidate’s forum included statements from candidates that community engagement events, such as the forum, were warranted routinely, not just during the election period – a notion which appeared to be supported by the community attendees and should rightly be followed through by this Council.

It is intended that this motion directs council officers to consider and prepare options and recommendations for Council to consider in terms of the most effective, sustainable and appropriate way of undertaking such event/s. It should be noted that these events are not necessarily expected to be delivered in a format replicating that

of the candidate's forum – but that recommendations consider how this might occur in a best practice manner that will be most collaborative, productive and informative for community members and Council attendees alike.

DETAILS

By having good communication and engagement practices and by encouraging open conversations and interactions on local issues Council will improve service delivery and help inform, empower and connect the community.

Council's Communications and Engagement Strategy (being presented for adoption at this meeting) states that one of its key objectives is to "Increase community participation in public consultation opportunities...", and that council will "commit to **ENGAGING** with our stakeholders in innovative and meaningful ways that broaden our communication reach and increase the level of stakeholder engagement".

As one component of the overall communication and engagement strategy, community forums can be a great way to connect with members of the community in an informal and relaxed way to give everyone the opportunity to be heard. There are a variety of forums used throughout the country, and indeed the world, to improve engagement between council and communities. Given the feedback during the community survey and the demographic of the Waratah-Wynyard community, the use of an informal meet and greet forum is considered most suitable for regular forums. Different formats might be used when consulting on specific or major projects.

As a comparatively sized Council, Central Coast Council run the same informal approach for their regular community forums and this has proven successful over a number of years.

Other alternatives considered include:

- Formal presentation on specific issues
- Briefings
- Town Hall question and answer sessions
- Conversation Cafes;

Each of these options have merit but are not considered appropriate for the key objectives of conducting a community forum for our community. They could be used in the future for specific consultation and engagement sessions where they are the most appropriate option.

Throughout community engagement there are many decisions to be made: When do you engage? Who do you engage with? What are you engaging about? How are you going to capture the information from the engagement? Where are you going to hold the engagement activity? How long should you engage for? Some of these decisions are functional and others underpin the very nature of the engagement that is being undertaken.

To address some of these questions the following considerations have been made:

Objective of Community Forums

- To give the public the opportunity to meet councillors and staff and discuss ideas or concerns they may have in relation to their local area on a one on one/face to face basis.
- Developing mutual trust and positive relationships with the public and key stakeholders.
- An avenue to gain feedback on specific projects that are happening locally.

Scheduling of Community Forums

With Council's current resources it is considered that a biennial forum in each town is appropriate and achievable. To meet the requirements of the community it is recommended that one forum be held in the evening and one in the morning to give different sectors of the community the opportunity to participate, remembering that members of the public can contact councillors or staff for a meeting at any time.

An indicative schedule could be:

	FORUM 1	FORUM 2
Wynyard	29/7/19 6pm	3/2/19 10.30am
Boat Harbour Beach	26/8/19 6pm	19/2/19 10.30am
Sisters Beach	30/9/19 6pm	18/3/19 10.30am
Yolla	28/10/19 6pm	15/4/19 10.30am
Waratah	25/11/19 6pm	13/5/19 10.30am
Somerset	2/12/19 6pm	17/6/19 10.30am

Format of Community Forums

To facilitate a relaxed and welcoming event, the setting should be informal with community members able drop-in and talk to councillors and staff one on one.

It is also considered important that a mechanism is put in place to capture/record ideas and issues so that a response can be provided if required and that matters raised and outcomes are reported. This may include having survey/feedback cards available for people to record their thoughts.

Encouraging attendance at forums

To ensure maximum participation the events will need to be communicated to the public in one or more of the following ways:

- Calendar set up on website
- Facebook notices
- Instagram notices

- Advertising
- Posters and flyers
- Emails

As with any form of long-term engagement, it is recommended that the format of the forums, attendance and outputs are reviewed regularly to continually improve the process and to ensure the forums are adding value.

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL
Desired Outcomes
We encourage broad community input to create a focussed and strong sense of belonging.
Our Priorities
1.1 Commit to best practice in community engagement.
1.2 Strengthen our communication with the community using diverse communications channels relevant to the demographic.
1.3 Encourage increased participation by all stakeholders.
1.4 Facilitate the meeting of community needs through strong advocacy and local and regional collaboration for shared outcomes.
1.9 Collaborate with, understand and satisfy our external customers' needs and values.
3.2 Deliver engagement strategies that adapt to community needs to ensure effective communication and collaboration.

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.
Health and Wellbeing	Maintaining good health and wellbeing – Healthy communities, people taking responsibility for their wellness, convenient access to medical services and facilities.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There will be expenses incurred to conduct the community forums. These could possibly include:

- Venue Hire – if no council facility available
- Catering costs
- Printing and advertising costs
- Travel Expenses
- Staff costs

It is suggested a budget allocation of \$5,000 be considered which equates to approximately \$415 per forum.

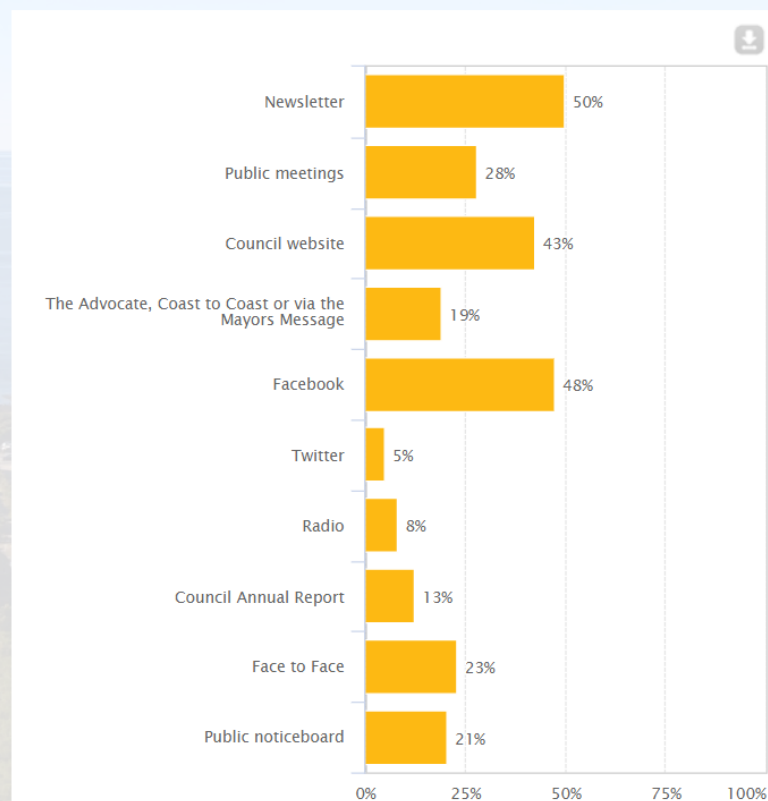
RISK IMPLICATIONS

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

CONSULTATION PROCESS

A desk top review of practices used by other Councils has been conducted. In addition, results of the 2019 Community Survey and the Draft Communication and Engagement Strategy guidelines have been considered. It is considered that two meetings per town per year initially will address the requirements of the community in conjunction with other improved communication mediums such as a new and improved website due for delivery in the 19/20 financial year, improved social media presence, and increased media activity.

26. What is your preferred method of receiving information from the council?



2019 Community Survey responses

CONCLUSION

It is recommended that Council initially trial for one year hosting biennial community engagement forums in Wynyard, Somerset, Waratah, Yolla, Boat Harbour Beach and Sisters Beach. A review of the success and learnings from these forums and the budget required will then be used to determine best practice for the 2020/2021 annual plan.

9.5 COUNCIL MEETING PROCEDURES POLICY

To:	Council
Reporting Officer:	Director Organisational Performance
Responsible Manager:	General Manager
Report Date:	3 June 2019
File Reference:	111
Enclosures:	<ol style="list-style-type: none">1. Council Meeting Procedures Policy2. Comparison of Local Government (Meeting Procedure) Regulations 2015 and Waratah Wynyard Council Meeting Procedure 2015

RECOMMENDATION

That Council:

1. **Adopts the *Council Meeting Procedures Policy* based on the *Local Government (Meeting Procedures) Regulations 2015* to take effect by the July 2019 Council meeting; and**
2. **Determine any other procedures under Regulation 37 considered relevant and appropriate in addition to prescribed procedures following further review of the Policy over the next twelve months**

PURPOSE

Section 18 of the *Local Government Act 1993* requires Council to be conducted in accordance with prescribed meeting procedures. This report provides an overview of the review recently undertaken of the Waratah Wynyard Meeting Procedures and *Local Government (Meeting Procedures) Regulations 2015*.

BACKGROUND

The *Local Government (Meeting Procedures) Regulations 2015* prescribes council meeting procedures. Regulation 37 of the *Local Government (Meeting Procedures) Regulations 2015* allows a council to determine any other procedures relating to meetings it considers appropriate in addition to prescribed procedures.

Council participated in a review of the *Local Government (Meeting Procedures) Regulations 2015* in April 2015. The *Local Government (Meeting Procedures) Regulations 2015* took effect on June 29, 2015 and there have been no further amendments since.

In 2015, Council held several workshops to consider any other procedures pursuant to Regulation 37 it considered appropriate to include and adopt. The Waratah Wynyard Council Meeting Procedures 2015 were adopted by Council on July 20, 2015 and further amended on August 17, 2015. The current procedures were due for review in December 2018.

DETAILS

The review of the current Waratah Wynyard Council Meeting Procedures commenced in February 2019. Initial discussions with Council highlighted several variations between the *Local Government (Meeting Procedures) Regulations 2015* and the adopted Waratah Wynyard Meeting Procedures. Waratah Wynyard Council Meeting Procedures 2015 is a

lengthy and complex document, not only do the procedures refer to sections of the Regulations, creating duplications and inefficiencies the procedures also use different terms.

Due to the complexity, structure and format of the Waratah Wynyard Meeting Procedures it was difficult to identify the exact differences given the overarching inherent conflicts between the two documents. The extent of differences and duplication between the two documents raised concerns around the appropriateness of current practices and more importantly the ability to evaluate and manage compliance. In addition to this, the Waratah Wynyard Council Meeting Procedures include additional requirements (i.e. standing when speaking) rather than simply prescribing the nature of proceedings as such.

The way in which Regulation 37 has been applied also adds an added layer of complexity resulting in an additional document adopted alongside the regulations, causing many duplications and confusion when interpreting and applying the procedures.

Upon further review and investigation, it was found most Councils rely solely on the *Local Government (Meeting Procedures) Regulations 2015* and generally, very rarely adopt any other procedures pursuant to Regulation 37.

Council discussed the matter further in April and May 2019. Due to the inherent conflicts, extensive differences and duplications between the *Local Government (Meeting Procedures) Regulations 2015* and the Waratah Wynyard Council Meeting Procedures it is recommended Council adopt the *Local Government (Meeting Procedures) Regulations 2015* as they stand.

Council may determine any other procedures **in addition to** the regulations considered appropriate under Regulation 37. Noting, any additional procedures under Regulation 37 should be in addition to – not in replace of, or to vary the content, wording, intent, format or structure of the *Local Government (Meeting Procedures) Regulations 2015*. It is recommended this be considered after some use of the *Local Government (Meeting Procedures) Regulations 2015* to identify any gaps. Should additions be required it is likely these modifications or matters have been raised by other Councils and may be under consideration for legislative review at the state-wide level.

A comparative summary of the two documents is provided below.

Table 1: Detailed comparison inconsistencies (sample)

<i>Local Government (Meeting Procedures) Regulations 2015</i>	Meeting Procedures 2015 adopted by Council	Comment
Refers to Chairperson	Refers to Presiding Member	Different terminology
Refers to Councillor	Refers to Member	Different terminology
<p><i>15. Closed Meetings</i></p> <p>(1) At a meeting, a council by absolute majority, or a council committee by simple majority, may close a part of the meeting to the public for a reason specified in sub regulation (2)</p>	<p><i>4.17 Confidential matters – meetings not open to the public</i></p> <p>(1) The General Manager may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.</p> <p>(2) The Council may at any time, in one or more of the circumstances dealt with in Regulation 15 of the Regulations, by resolution, decide to close a meeting or part of a meeting.</p>	Modified, Regulations stipulate a meeting may be closed by absolute majority, whereas Meeting Procedures allow for GM to recommend meeting is closed.
<i>39. Leave of Absence</i>	<i>4.11 Leave of Absence</i>	Meeting Procedure contradicts regulations and

Local Government (Meeting Procedures) Regulations 2015	Meeting Procedures 2015 adopted by Council	Comment
<p>(1) If a councillor wishes to take a leave of absence in respect of one or more meetings, the councillor, or chairperson on behalf of the councillor, may request that leave of absence.</p> <p>(2) At a meeting –</p> <p style="padding-left: 40px;">(a) the council may grant a request for a leave of absence from one or more of its meetings or one or more council committee meetings, or both; and</p> <p style="padding-left: 40px;">(b) a council committee may grant a request for a leave of absence from one or more of its meetings</p> <p>(3) A leave of absence may not be granted retrospectively.</p> <p>(4) The purpose of the leave of absence and the period involved are to be recorded in the minutes.</p>	<p>(1) A Member seeking the Council's approval to take leave of absence shall give written notice to the General Manager prior to the commencement of the meeting.</p> <p>(2) The notice referred to in sub-clause (1) shall include the period of leave of absence required and the reasons for seeking the leave.</p> <p>(3) In accordance with 15(2) (i) of the Regulations the Council is to discuss and determine an application for leave of absence by a Member in Closed Meeting.</p>	<p>refers to a section of the Regulations</p>
<p>7. Notice of meetings</p> <p>1) The general manager is to provide each councillor with a notice in writing of the time and place of a council meeting or a council committee meeting:</p> <p style="padding-left: 40px;">a. At least 4 days, but not more than 14 days, before an ordinary council meeting or a council committee meeting; or</p> <p style="padding-left: 40px;">b. At least 2 days, but no more than 14 days, before a special council meeting.</p> <p>2) A period referred to in this regulation includes Saturdays, Sundays and statutory holidays, but does not include –</p> <p style="padding-left: 40px;">a. The day on which a notice is provided or made available under sub regulation (1); or</p> <p style="padding-left: 40px;">b. The day of the meeting</p>	<p>2.3 Convening Council Meeting</p> <p>1) Subject to sub-clause (2), the general manager is to give at least 4 days written notice, for the purposes of Regulation 7 of the Regulations, of an ordinary meeting of the council and at least 2 days' notice of a special meeting of the council.</p> <p>2) Days referred to in sub-clause (1) include Saturdays, Sundays and public holidays but do not include on the day on which a notice is given or the day of the meeting.</p>	<p>Same intent, however different wording. Meeting procedure also refers to Regulation in part.</p>
<p>6. Times of Meeting</p> <p>1) A meeting is not to start before 5:00pm unless otherwise determined by the council by absolute majority or but the council committee by simple majority.</p> <p>2) After each ordinary election, a council and a council committee are to review the times of commencement of their meetings.</p>	<p>Silent</p>	<p>Meeting procedures silent, therefore regulations apply</p>
<p>Silent</p>	<p>15. Committees of the Council</p>	<p>Regulations do not consider Committees</p>

Local Government (Meeting Procedures) Regulations 2015	Meeting Procedures 2015 adopted by Council	Comment
<p>16. Motions</p> <p>(1) If, during a meeting, a councillor intends to move a motion of which notice has not been given, the chairperson of the meeting may require the councillor to provide a written copy of the motion.</p>	<p>9.1 Motions to be stated and in writing</p> <p>Any member who wishes to propose a motion other than a recommendation contained within the agenda, or an amendment to a motion, but not a procedural motion, shall unless ruled otherwise by the Presiding Member submit it in writing, accompanied by comment outlining the reason for the motion or amendment, to the Presiding Member prior to a vote being taken.</p>	<p><i>Procedures require a motion shall be submitted in writing unless ruled otherwise. However, regulations imply writing copy only required in the chairperson requires.</i></p>
<p>18. Motion to overturn decision</p> <p>(1) For the purposes of this regulation, a decision may be overturned, wholly or partly, by –</p> <p>(a) a motion directly rescinding or otherwise overturning the decision or part of the decision; or</p> <p>(b) a motion that conflicts with, or is a contrary to, the decision or part of the decision.</p>	<p>13.1 Motion to overturn decision</p> <p>(1) For the purposes of this regulation, a decision may be overturned, wholly or partly, by –</p> <p>(a) a motion directly rescinding or otherwise overturning the decision or part of the decision; or</p> <p>(b) a motion that conflicts with, or is a contrary to, the decision or part of the decision.</p>	<p><i>Duplication, identical wording</i></p>
<p>31. Public question time</p> <p>(1) A Member of the public may give written notice to the general manager at least 7 days before an ordinary council meeting of a question to be asked at that meeting.</p> <p>(2) The Chairperson of an ordinary council meeting may –</p> <p>(a) address questions on notice submitted by members of the public; and</p> <p>(b) invite any member of the public present at the meeting to ask questions relating to the activities of the council.</p> <p>(3) The Chairperson of an ordinary council meeting must ensure that, if required, at least 15 minutes of that meeting is made available for questions by members of the public.</p> <p>(4) A question by any member of the public under this regulation and an answer to that question are not to be debated at the ordinary council meeting.</p> <p>(5) The chairperson of an ordinary council meeting may –</p> <p>(a) refuse to accept a question from a member of the public; or</p> <p>(b) require a question from a member of the public asked without notice to be put on notice and in writing to be answered at a later ordinary council meeting.</p>	<p>4.6 Question time for the public</p> <p>(2) A member of the public who wishes to ask a question at a meeting must –</p> <p>(a) before the commencement of the meeting, submit their question in writing, on the form provided by the local government, to the General Manager or his or her representative.</p> <p>(b) be present at the meeting when the question is asked, however the person may seek approval from the Presiding Member for their nominated representative to ask the question on their behalf.</p> <p>4.7 Public Statements</p> <p>(1) Members of the public may, during public statements or the Planning Authority segments of the order of business, with the consent of the Presiding Member make a public statement on any matter than appears on the agenda for that meeting provided that:</p> <p>(a) the member of the public submits to the General Manager prior to the commencement of the meeting the public statement in a form acceptable to the General Manager.</p> <p>(b) the public statement precedes discussion of any matter which required decision to be made at the meeting.</p> <p>(c) the public statement is limited to a maximum period of 3 minutes, unless</p>	<p><i>Duplication, and WWC Meeting Procedures more prescriptive, WWC Meeting Procedures also allow for Public Statements.</i></p> <p><i>WWC Meeting Procedures limit number of questions and defined time period allowed for public questions.</i></p> <p><i>Regulations 31(7) allow for council to determine any other procedures to be followed at an ordinary council meeting.</i></p>

<i>Local Government (Meeting Procedures) Regulations 2015</i>	Meeting Procedures 2015 adopted by Council	Comment
(6) The chairperson of an ordinary council meeting refuses to accept a question from a member of the public, the chairperson is to give reasons for doing so. (7) A council is to determine any other procedures to be followed in respect of public question time at an ordinary council meeting.	otherwise determined by the Presiding Member; and (d) no discussion or questions relating to the statement are permitted.	

A complete comparison of *Local Government (Meeting Procedures) Regulations 2015 and Waratah Wynyard Council Meeting Procedures 2015* is provided as an attachment to this report.

STATUTORY IMPLICATIONS

Statutory Requirements

Section 18 (3) of the *Local Government Act 1993* provides:

A meeting of a council is to be conducted in accordance with prescribed procedures.

Local Government (Meeting Procedures) Regulations 2015 prescribes council meeting procedures and took effect on 29 June 2015.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 1: Leadership and Governance
Desired Outcomes
We highly value the use of an evidence-based approach to the development and implementation of strategies and policies that support and strengthen our decision making.
Our Priorities
1.6 Maintain accountability by ensuring council decisions are evidence based and meet all legislative obligations.

POLICY IMPLICATIONS

Once adopted, the *Local Government (Meeting Procedures) Regulations 2015* will become in effect.

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

Legislative compliance – Council has an obligation to meet the requirements of the Act in relation to conduct of meetings in accordance with prescribed procedures.

CONSULTATION PROCESS

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

CONCLUSION

That Council adopt the Council Meeting Procedures Policy based on the *Local Government (Meeting Procedures) Regulations 2015* and determine any other procedures under Regulation 37 considered relevant and appropriate in addition to the prescribed procedures in future months.

9.6 WARATAH COMMUNITY BOARD UNCONFIRMED MINUTES 25 MAY 2019

To: Council
Reporting Officer: Community Development Officer
Responsible Manager: General Manager
Report Date: 4 June 2019
File Reference: 0.0
Enclosures: 1. Waratah Community Board minutes 25 May 2019

RECOMMENDATION

That Council:

1. Note the Minutes of the Waratah Community Board held on the 25 May 2019;
2. Investigate the offer by the Smith Family to establish a Regional History Centre in Waratah based on their extensive family collection

PURPOSE

The minutes of the meeting of the Waratah Community Board held on the 25th May 2019 are provided for noting.

BACKGROUND

The Waratah Community Board was established by Council following a lengthy period of consultation and the adoption of the Waratah Community Plan 2018-2021.

DETAILS

The Board met for the first time in June 2018. A motion was passed at the Boards last meeting which does require Council action.

The Board received a presentation from Peter Smith to present a concept for a Regional History Centre in Waratah based on James Philosopher Smith and Gustav Weindorfer. Sue and David Smith were also in attendance. With original letters, diaries, personal possessions and more Peter felt the centre could tell the profound story of the humanity surrounding Philosopher Smith and Weindorfer. The Board feel this concept is worthy of further investigation and recommend Council pursue the opportunity.

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL
Desired Outcomes
Our community uses its voice to shape its future alongside a strong Council willing to listen and implement where reasonable and practical.
Our Priorities
3.2 Deliver engagement strategies that adapt to community needs to ensure effective communication and collaboration.
3.2 Deliver engagement strategies that adapt to community needs to ensure effective communication and collaboration.

Sustainable Murchison Community Plan 2040

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

Failure to engage the Smith family in discussion could expose Council to criticism from the community for ignoring a unique opportunity to grow attractions in Waratah.

CONSULTATION PROCESS

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

CONCLUSION

It is recommended that Council note the Minutes of the Waratah Community Board meeting held on the 25th May 2019.

9.7 CONTRACT 732 - PROVISION OF BITUMEN SURFACING 2019/20

To: Council
Reporting Officer: Acting Manager Engineering and Projects
Responsible Manager: Director Infrastructure and Development Services
Report Date: 22 May 2019
File Reference: TBC
Enclosures: 1. Tender Comparison - Contract 732 - Confidential

RECOMMENDATION

That Council award Contract No. 732 – Provision of Bitumen Surfacing Service to Roadways Pty Ltd

PURPOSE

To determine Council's position in relation to tenders submitted for the provision of Councils 2019/20 road bitumen surfacing services.

BACKGROUND

To maintain the safety and pavement integrity of Councils sealed road network, periodic resealing is essential to maintain both water-repelling and skid resistance characteristics of the surface. Without periodic resealing, surface cracking allows water ingress within the road pavement, adversely impacting on structural integrity and pavement shape. Wearing and polishing of the old seal aggregates will also lead to decreased skid resistance and a potential increase in wet-weather vehicle accidents.

Provision of these road surfacing services is undertaken by external Contract providers, owing to the expense of specialist equipment and skills required, and the short duration over which these works are performed. The provider is determined through an annual tendering process.

A call for tenders for provision of these works for the 2019/20 period was published in The Advocate Newspaper on Saturday 27 April 2019. At the close of tenders on 17 May 2019, four (4) tender submissions were received for the works.

DETAILS

The Contract operates as a Schedule of Rates Contract, based upon the anticipated quantities for projects identified within Councils Capital Works Reseal program. Tender price comparison and assessment is based upon the indicative total cost to Council to complete the works, given the unit rates submitted. The Pricing Schedules and prices received are provided to Councillors as a "Confidential Attachment".

An option was made available to contractors to provide a combined tender price, to include Contract No. 732 and Contract No. 1688 for both the Waratah-Wynyard Council and the Circular Head Council, Provision of Bitumen Surfacing Services. Hardings Hotmix was the only contractor who chose to supply a combined tender option, whilst Roadways and Crossroads

only provided a tender option for each individual Council. No savings for either Councils were identified with pursuing the option of a combined tender.

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

Weighting factors associated with, price, capability and resources, quality control and Health and Safety issues have all been considered in the assessment process. Generally, the past services provided to Council by these companies have been considered satisfactory, and they understand the established requirements associated with performance of the works under contract. Each has provided enough evidence to demonstrate their competence and capability to perform the works within the timeframes and to the quality required. Accordingly, there is no significant alteration to the selection of preferred Tenderer based upon these considerations, and the selection of Tenderer is considered primarily to be a matter of price in this instance.

To summarise the order of Tender options in relation to overall calculated price;

- Roadways Pty Ltd - \$211,185.77
- Hardings Hotmix - \$218,608.48
- Hardings Hotmix (combined tender option) - \$219,075.81
- Crossroads Pty Ltd - \$227,910.84
- Roadways Pty Ltd have submitted the lowest tender option with a calculated overall price of \$211,185.77. Whilst noting that these total prices are estimates based upon identified areas, comprising of a variety of unit rates priced for each project location, the relativity of pricing is not anticipated to vary to any degree of significance should the final areas be different.

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL
Desired Outcomes
Our transport and access network can accommodate the changing needs of our industry and community.
Our Priorities
6.2 Plan for all movements and modes of transport with a fit-for-purpose network.

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

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
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.

POLICY IMPLICATIONS

Council's Asset management policy is relevant in this instance in seeking the lowest life cycle cost outcome.

FINANCIAL IMPLICATIONS

Council has an indicative total of some \$334,867.00 forecast budget across multiple projects within the Transport Capital, for the purposes of the resurfacing works under this contract. If the Tender is adopted as recommended, the estimated total cost for 2019/20 bitumen resurfacing works, at the rates tendered, will be \$212,185.77. Allowing for 37% of the tendered estimate to undertake pre-seal preparation works (\$122,681.20).

RISK IMPLICATIONS

- Other

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

The use of experienced Contractors coupled with contract documents will minimise any risk to Council.

As this contract is set up with a schedule of rates, the exact final cost cannot be ultimately determined. The quantities estimated are however thought sufficiently accurate and any variation in the final cost should be contained below budget provisions.

CONSULTATION PROCESS

There are no consultation requirements because of this report.

CONCLUSION

The tender price submitted by Roadways Pty Ltd for the supply of Sprayed bituminous surfacing services 2019/20 is the lowest cost option to Council and it is recommended that Contract 732 be awarded accordingly.

9.8 FINANCIAL REPORT FOR THE PERIOD ENDED 31 MAY 2019

To: Council
Reporting Officer: Accountant
Responsible Manager: Director Organisational Performance
Report Date: 4 June 2019
File Reference: 100.10
Enclosures: Nil

RECOMMENDATION

Council accept the Financial Report for the period ended 31 May 2019.

PURPOSE

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

BACKGROUND

The financial reports presented incorporate:

- Financial Summary and Notes
- Underlying Position
- Cash Position
- Rate Summary
- Capital Works Summary

DETAILS

SUMMARY

Council reported a comprehensive year-to-date surplus of \$2,260,460, \$683,824 lower than budgeted due to the timing of Grant Funding.

FINANCIAL SUMMARY

The Financial Summary provides YTD revenue and expenditure against profiled budget for each Directorate.

UNDERLYING POSITION STATEMENT

The Underlying Position Statement shows the outcome of Council's day to day operations. As at 31 May 2019 the actual YTD surplus is \$2,260,460.

- Grants and Subsidies of \$2,702,589, below budget of \$3,820,053 due to timing of Camp Creek/Wynyard Wharf grant funding.
- Employee costs are \$712,168 under budget due to variances in resource levels.
- Materials and contract expenses \$539,722 is over budget due to increase in labour hire and contractor engagements.

Note: the underlying position statement excludes capital grants and non-recurrent income and expenditure.

RATE SUMMARY

The rate summary provides an indication of outstanding rate debtors, the amount collected and the rates in credit. At the end of the period there were \$546,247 unpaid rates and charges, a reduction of \$50,506 from 30 April 2019 balance of \$596,753.

CASH POSITION

As at 31 May 2019 Council held a cash balance of \$11,109,586. All cash investments comply with Council's Investment Policy (FIN 004).

CAPITAL WORKS SUMMARY

The Capital Works Summary provides and snapshot of the percentage of expenditure against the 2018/19 capital works program. Timing of expenditure is based on the works plan.

STATUTORY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

Key Focus Area:	CIVIC LEADERSHIP AND GOVERNANCE A well-managed Council that services the municipality with integrity and has a strong voice in the region
Outcome 4.3	Council is managed in a financially sustainable and responsible manner
<i>Operational Aim 4.3.2</i>	Establish and maintain systems to support timely and efficient financial reporting

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

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

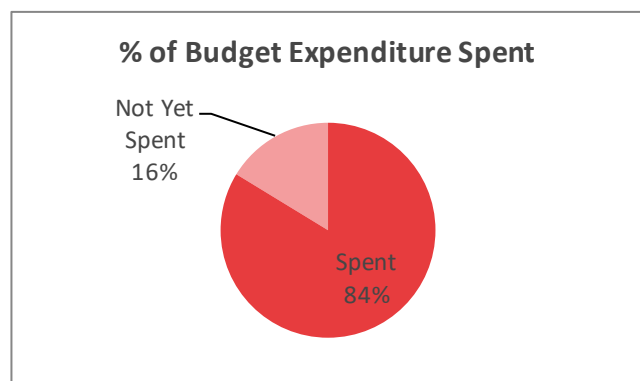
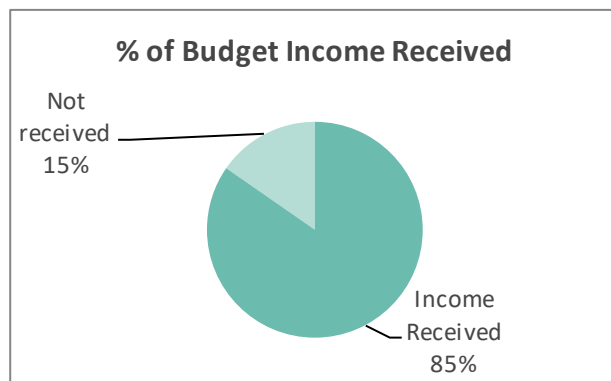
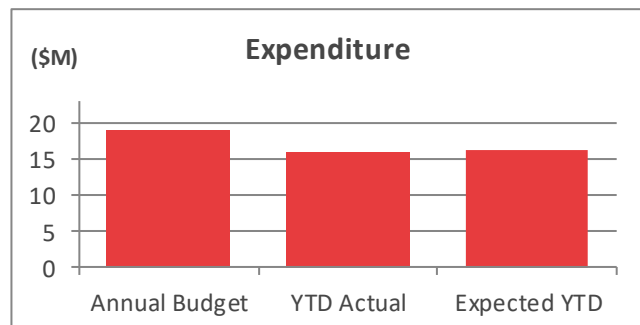
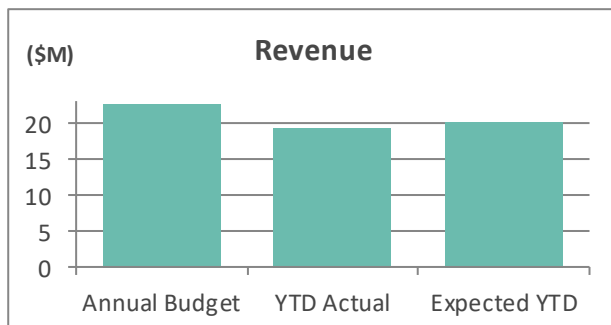
CONSULTATION PROCESS

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

COMMENT

It is recommended Council accept the Financial Report for the period ended 31 May 2019.

FINANCIAL SUMMARY As at 31 May 2019	BUDGET ANNUAL	ACTUAL YTD	BUDGET YTD	ACTUAL YTD % of BUDGET	Note
REVENUE (incl capital grants)	\$	\$	\$	%	
Corporate Governance	50,739	38,996	38,055	76.86	
Strategic & Financial Services	11,154,307	10,735,327	10,656,279	96.24	
Corporate & Community Services	2,012,654	1,843,906	1,822,042	91.62	
Infrastructure & Development Services	9,565,643	6,669,226	7,579,691	69.72	
	22,783,343	19,287,455	20,096,067	84.66	
EXPENDITURE	\$	\$	\$	%	
Corporate Governance	1,205,115	996,662	1,106,598	82.70	
Strategic & Financial Services	1,695,644	1,654,252	1,271,246	97.56	
Corporate & Community Services	3,495,588	3,054,386	3,191,396	87.38	
Infrastructure & Development Services	12,682,079	10,266,823	10,527,671	80.96	
	19,078,426	15,972,123	16,096,911	83.72	
Less Advance Payment of FAGs	(1,406,496)	(1,054,872)	(1,054,872)		
NET RESULT	2,298,421	2,260,460	2,944,284		



UNDERLYING POSITION STATEMENT For the month ending 31 May 2019	BUDGET ANNUAL	ACTUAL YTD	BUDGET YTD	Note
INCOME	\$	\$	\$	
Rate Revenue	11,099,094	11,155,881	11,009,094	
User Charges	2,461,944	2,211,858	2,264,363	
Reimbursements/Contributions	739,931	718,341	587,921	
Grants and subsidies	3,821,689	2,702,589	3,820,053	
Interest	275,010	305,722	266,761	
Proceeds from Sale of Assets	189,500	110,700	-	
Other	576,000	244,098	384,700	
	19,163,168	17,449,189	18,332,892	
EXPENDITURE	\$	\$	\$	
Employee Costs	6,838,564	5,576,439	6,288,607	
State Levies	533,493	401,454	420,086	
Remissions & Discounts	397,384	395,062	397,384	
Materials & Contracts	6,954,530	5,807,706	5,267,984	
Depreciation	3,986,635	3,661,252	3,653,539	
Borrowing Costs	65,340	18,208	59,873	
Value of sold/write off of assets	302,480	112,000	9,438	
	19,078,426	15,972,122	16,096,911	
UNDERLYING SURPLUS(DEFICIT)	84,742	1,477,066	2,235,981	

The intent of the underlying result is to show the outcome of Council's usual day to day operations. This indicator is required to be included in Council's Financial Statements in accordance with Local Government Act 1993 (Tas) Section 84(2)(db).

RECONCILIATION TO COMPREHENSIVE RESULT			
Capital Grants/Contributions	3,620,175	1,838,266	1,763,175
Advance Payment of FAGs Grant	(1,406,496)	(1,054,872)	(1,054,872)
COMPREHENSIVE SURPLUS/(DEFICIT)	2,298,421	2,260,460	2,944,284

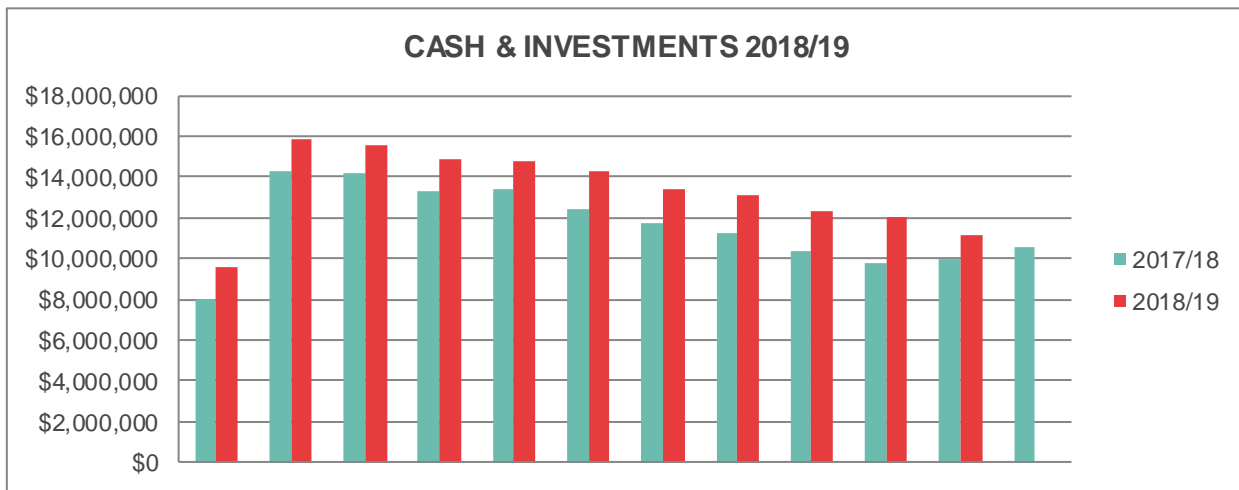
The comprehensive result is required under Australian Accounting Standards and will be reported in the Financial Statements at year end. This reconciliation intends to show the alignment of the underlying position with the comprehensive result.

RATE SUMMARY		2018/19		2017/18	
For the period 1 July 2018 to 31 May 2019		%	\$	%	\$

Notice Issue Date - 26 July 2018

OUTSTANDING RATE DEBTORS (As at 1 July 2018)	3.90	452,217	4.04	459,917
ADD CURRENT RATES AND CHARGES LEVIED (including penalties)	96.10	11,155,881	95.96	10,913,326
GROSS RATES AND CHARGES DEMANDED	100.00	11,608,098	100.00	11,373,243
LESS RATES AND CHARGES COLLECTED	91.30	10,597,961	91.18	10,370,346
REMISSIONS AND DISCOUNTS**	8.32	966,065	8.46	962,119
	99.62	11,564,026	99.64	11,332,465
ADD PROPERTIES IN CREDIT	(4.33)	502,175	(3.97)	451,695
UNPAID RATES AND CHARGES (includes Deferred Rates)	4.71	546,247	4.33	492,473
**REMISSIONS AND DISCOUNTS		2018/19		2017/18
Discount		388,862		386,956
Pensioner Rebates		571,003		566,218
Council Remissions and Abandements		6,200		8,945
		<u>966,065</u>		<u>962,119</u>
Number of Assessments	456			

CASH POSITION As at 31 May 2019	\$	INVESTMENTS	\$	Weighted Average Return
Deposits	10,500,000	Commonwealth Bank	607,586	1.25%
		Bankwest	10,500,000	2.30%
Petty Cash and Till Floats	2,000	Petty Cash and Till Floats	2,000	
Trading Account	607,586			
BALANCE (ALL ACCOUNTS)	<u>11,109,586</u>		<u>11,109,586</u>	2.24%



RBA Cash Rate* 1.500
 90 Day BBSWs Rate** 1.415

*source: www.rba.gov.au as at 31 May 2019

**source: <https://www.asx.com.au/data/benchmarks/bbsw-10-day-rolling-history.pdf> as at 31 May 2019

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

CAPITAL WORKS SUMMARY As at 31 May 2019	Notes	Budget \$	% Spend of Budget	Actual \$
GOVERNANCE				
Wynyard Wharf Entrance Augmentation		445,649	24%	105,791
New Board Walk and Seawall Renewal		739,678	9%	67,717
General		251,586	85%	214,421
		1,436,913	15%	214,421
STRATEGIC & FINANCIAL SERVICES				
		225,000	0%	-
CORPORATE SERVICES				
		45,000	9%	3,869
COMMUNITY SERVICES				
SES		10,600	100%	10,557
Children's Services		70,000	20%	14,140
Tourism		47,000	97%	45,612
General		60,365	32%	19,584
		187,965	48%	89,894
ENGINEERING SERVICES				
Depot		136,244	75%	102,620
Plant		644,210	77%	497,296
		780,454	77%	599,917
WASTE MANAGEMENT				
		25,000	0%	-
PUBLIC CONVENIENCES				
		15,000	9%	1,342
TRANSPORT				
Re-Sheeting		1,072,173	59%	630,158
Reseals - Rural		529,930	76%	402,983
Reseals - Urban		235,550	27%	64,590
Footpaths		84,500	73%	61,672
Coastal Pathway		3,714,440	2%	86,880
Wynyard CADP & Car Park Development		426,449	104%	443,055
Bridges		441,764	101%	445,683
General		515,199	32%	167,146
		7,020,005	33%	2,302,167
SPORTING FACILITIES				
Wynyard		535,500	17%	93,445
Somerset		49,800	88%	43,775
		585,300	7%	43,775
PARKS & GARDENS				
Wynyard		1,296,500	8%	100,660
Somerset		150,000	40%	60,058
General		50,000	27%	13,699
		1,496,500	12%	174,418
STORMWATER DRAINAGE				
Stormwater Pipe Replacements/Upgrades		117,600	38%	44,485
General		52,826	71%	37,417
		170,426	48%	81,901
TOTAL CAPITAL WORKS PROGRAM 2018/19		11,987,563	32%	3,778,657

9.9 SENIOR MANAGEMENT REPORT

To:	Council
Reporting Officer:	Executive Officer
Responsible Manager:	General Manager
Report Date:	27 May 2019
File Reference:	0.0
Enclosures:	Nil

RECOMMENDATION

That Council note the monthly Senior Management Report.

SUMMARY/PURPOSE

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

GENERAL MANAGERS OFFICE

ACTIVITIES SINCE LAST COUNCIL MEETING

Listed below is a summary of meetings undertaken by the General Manager during the period 11 May 2019 to 7 June 2019. It also provides information on issues of significance or interest, statistical information and summaries of specific areas of operations.

Corporate

- Continued to participate in a number of meetings and workshops to progress the IT Shared Services project being undertaken by Burnie, Circular Head and Waratah-Wynyard Council and finalise a report for distribution
- Met with the General Manager of Circular Head Council to refine individual resource sharing arrangements for staff working across both Councils
- Met with Burnie City Council and Tas Communications to discuss opportunities to work together on CCTV implementation
- Completed interim performance reviews with direct reports
- Met with Ben Cowling, Chief Operating Officer for Civica International

Community

- Met with Metro Tasmania Chief Executive Officer, Megan Morse and Chairman of the Board, Tim Gardner to discuss their services and business direction
- Met with the President of the Boat Harbour Beach Surf Life Saving Club to provide an overview of the Boat Harbour Beach Development Plan and associated consultation period
- Provided an opening address to Wynyard High School students participating in Council's Work Inspirations Program

- Met with representatives of the Wynyard Rotary Club to further discuss a possible dog exercise area within Wynyard

Industry

- Attended the Cradle Coast Authority Representatives Meeting. The minutes of this meeting will be the subject of a separate report to Council.
- Following a request from the Director of Local Government, participated in a workshop to assist with the development of an interactive web-based platform for presenting key council performance data. KPMG presented initial information for feedback and comment.
- Attended the North West General Managers meeting held at the offices of the Cradle Coast Authority. Discussion items included –
 - Cradle Coast Authority Representatives Meeting agenda
 - Shared Services
 - Cradle Coast Authority Update

Other

- Resigned from role as a member of the Executive of the Tasmanian Training Consortium and participated in exit discussion with the Manager

GENERAL MANAGERS OFFICE

Tasmanian Heritage Register Request – Waratah Dam Reservoir

The Tasmanian Heritage Council (Council) has advised that, following a request by members of the Waratah Community, they have reviewed whether the Waratah Dam Reservoir could be listed on the Tasmanian Heritage Register. After reviewing criteria, the Council has advised that they concluded that the application does not meet the criteria for entry into the register. (a copy of their letter is attached to this report)

PLANNING PERMITS APPROVED UNDER DELEGATION – MAY 2019

DA No.	Applicants Name	Location	Development	Date Permit Issued	No of Days to Process	(D)Discretionary (P)Permitted
DA 24/2019	R Cox	30 Old Bass Highway	Carport	1.05.2019	38	D
DA 32/2019	R Cox	30 Dodgin Street Wynyard	Church extension	2.05.2019	37	D
DA 23/2019	P Allen	209 South Elliott Road Elliott	Dwelling extension	3.05.2019	38	D
DA 48/2019	P Allen	17 Stockdale Avenue Sisters Beach	Dwelling Extension	03.05.2019	11	P
DA 53/2019	Optimo Awnings Northern Pty Ltd	2/11 Freestone Crescent Wynyard	Awning	03.05.2019	18	P
DA 123/2018	D & P Cornwall	7 Goldie Street Wynyard	Visitor Accommodation and Café (Change of Use) and Access Ramp and Decking	08.05.2019	42	D
DA 35/2019	M & I Coffey	1 Esplanade Somerset	Dwelling	10.05.2019	42	D
DA 33/2019	Tim Robertson	50 Irby Boulevard Sisters Beach	Dwelling, Shed with Ancillary Dwelling & Two Water Tanks	17.05.2019	42	D
DA 36/2019	Rosene Cox Building Design	112 Goldie Street Wynyard	Storeroom	17.05.2019	38	D
DA 40/2019	P Allen	99 Table Cape Road Wynyard	Shed extension	21.05.2019	42	D
DA 52/2019	P Allen	1A Alicia Court Wynyard	Dwelling	21.05.2019	38	D
DA 47/2019	GHD Pty Ltd	3 Waterworth Street, 29-31 Reservoir Drive & 3 Airport Street Wynyard	Cross laminate timber manufacturing facility	23.05.2019	41	D
DA 59/2019	Abel Drafting Services P/L	2/8A Hogg Street Wynyard	Shed	24.05.2019	21	P
DA 46/2019	RTC Facilities Maintenance Tasmania	28 Bowick Street Wynyard	Demolition of Former Primary School	28.05.2019	38	D
DA 14/2019	D Leonard	54 Mount Hicks Road Wynyard	Dwelling (workers accommodation)	29.05.2019	42	D
DA 63/2019	Drew Den Hartog – Prime Design	89 Bass Highway Somerset	Upgraded Wash Down Bay	30.05.2019	27	P
DA64/2019	P Allen	9 Emily Crescent Somerset	Multiple Dwellings (4 units)	31.05.2019	24	P

BUILDING PERMITS APPROVED –MAY 2019

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

Permit Number	Applicants Name	Location	Development	Date Permit Issued	No of Days to Process	Related Planning Approval
2019-54-01	I & M Coffey	1B Bells Parade Somerset	Dwelling	27.05.2019	0	DA 35/2019

REPORTS OF OFFICERS AND COMMITTEES

OPEN ACTION ITEMS FROM PREVIOUS COUNCIL MEETING

Meeting Date	Item #	Topic	Action/Status	Officer	Status	Date Closed
19/2/18	10.1	<p>ROC – Proposed East Wynyard Foreshore Masterplan - Motion Carried</p> <p>Adopt the Draft East Wynyard Foreshore masterplan;</p> <ul style="list-style-type: none"> Consider implementation of the proposed playground and landscaping elements for the 2018/19 budget; Consider rationalising the existing 4 local playground sites, 2 at the East Wynyard Foreshore, 1 at 9 Martin Street and 1 at 25 Lockett Street in order to fund the proposed district level playground; and Remain flexible in the implementation of the East Wynyard Foreshore masterplan as it assesses cost and benefits in consultation with the community and users into the future 	<p>Multiple workshops have been held to outline the proposed timetable for this playground project. Preliminary work will continue as part of the project planning and preparatory stage.</p>	DIDS	Ongoing	
17/9/18	10.1	Freedom Camping	<p>The following motions were carried:</p> <ol style="list-style-type: none"> That Council note the information relating to Freedom Camping; and agree to develop a Freedom Camping Strategy document. <p>6/6/19 A report has been included as part of this agenda.</p> <ol style="list-style-type: none"> That Council proceed with necessary planning for establishment of a site for Freedom Camping at Sisters Beach. <p>Whilst investigation on this site has occurred, Council's position may now change given the recent State Government policy position. Further work to be done in this regard.</p> <ol style="list-style-type: none"> That Council determine that a designated Freedom Camping site will not be provided for in Somerset or Yolla. <p>Signage to be organised</p>	EMT	Ongoing	

REPORTS OF OFFICERS AND COMMITTEES

			<p>4. That Council Explore low cost camping opportunities at Waratah through the existing caravan park or creation of an overflow area. 6/6/19 – no progress to date</p> <p>5. That Council liaise with the Show Society to lodge a planning application to amend the use of showgrounds to allow self-contained caravans. 6/6/19 – no progress to date</p> <p>6. That statutory planning approval be sought for all areas where freedom camping might be located.</p> <p>Planning matters will be actioned as required.</p>			
17/9/18	10.6	Renewal of Crown Lease – Waratah Falls	<p>Motion Carried 1/6/19 Deeds have now been signed.</p>	DCE	Complete	1/6/19
19/11/18	9.1	Motion – Cr Fairbrother – Coast to Coast Section – Advocate Newspaper	<p>Motion Passed The Mayor raised the matter at the CCA Representatives Meeting and it received support. The editor attended the CCA Reps meeting on 28 February. At the end of the meeting he stated he would explore options for re-introduction of the Coast to Coast section of the newspaper, including the Mayors Message, and options would be presented in the near future.</p> <p>6/6/19 The CCA is pursuing on behalf of all councils. GM asked for update at last reps. Meeting with nothing reported.</p>	GM	Ongoing	
19/11/18	10.4	Freedom Camping Boat Harbour	<p>Motion Passed Cr House asked that the implementation plan address traffic management and waste management matters.</p> <p>Cr Duniam asked that full review and considerations of the use of amenities be included.</p> <p>Cr House asked that the Open Space, Sport and Recreation Plan be updated to include changes once the Strategy is completed.</p> <p>1/6/19 Draft Camping Strategy to June Council Meeting, BHB Masterplan currently out for public consultation.</p>	DCE	Ongoing	

REPORTS OF OFFICERS AND COMMITTEES

10/12/18	9.2	NOM Cr Edwards – PWS Audit of Sisters Beach properties Carried	That Council request Parks and Wildlife complete their proposed assessment audits of beach front properties at Sister Beach by March/April rather than the proposed 30 June deadline. 6/6/19 – Council continues to seek progress from PWS on these matters	DIDS	Ongoing	
10/12/18	9.4	NOM Cr House – Communication Strategy Carried	That Council commence the drafting of a Communications Strategy as a matter of priority, and the following are produced as a necessary suite of associated documents; Draft Communications Policy <ul style="list-style-type: none"> • A paper which reviews the cost-benefit of the Community Survey and alternative options • A report which explores the option of a Waratah Wynyard Council smartphone “app” for the public 1/6/19 Draft Strategy to June Council Meeting. Council currently has a smart phone app. As part of the website upgrade currently being developed the app will be reviewed and updated. A report on the community survey will be prepared for the July Council Meeting.	GM	Ongoing	
10/12/18	10.1	Wilkinson Street Highway Junction works Amended Motion carried	That Council on receipt of assurances from DSG that council legal expenses associated with any representation and associated legal process will be reimbursed; and Support the recommendation of the Department of State Growth to close the Wilkinson Street access to the Bass Highway; and Initiate the process of notification of intent to close under section 14 of the Local Government Highways Act 1982; and Undertake investigations into relocation of the existing York Street bus stop to another area within the vicinity State Growth have advised they will cover legal expenses if the closure goes ahead only. Further request made to State Growth as to what potential expenses may be, so a determination can be made by Council. 6/6/19 Legal advice to be discussed at future workshop	DIDS	Ongoing	

REPORTS OF OFFICERS AND COMMITTEES

21/1/19	8.3.1	CQWON – Cr A House – Environmental Strategy	Cr House asked if some work could be done to explore the conception of such an environmental strategy, and can we formalise a means of partnering with the community on climate and environmental issues? 1/6/19 Engagement has commenced on the development of Council’s Environmental strategy seeking community members to register expressions of interest to participate.	DIDS	Complete	1/6/19
18/2/19	10.2	York Street Bus Stop	Motion Passed Progress design for alternative bus stop, with temporary relocation to be agreed with Dept. of Education 6/5/19 – Follow-up observations to date have not revealed any specific safety concerns.	DIDS	Ongoing	
18/3/19	7.3	Cr Fairbrother Motion - That council seek to arrange meeting between stakeholders to facilitate resolution /agreement regarding management of shared parking area.	Motion carried Meeting held with stakeholders 29 May 2019.	GM	Completed	29/5/19
18/3/19	9.1	NOM – Cr Duniam – Somerset Community Board	Original Motion LOST Subsequent Motion CARRIED That Council explore making a formal partnership arrangement with Building Somerset Futures 1/6/19 – Initial meetings have been held with Somerset Futures and the matter is progressing	DCE	Commenced	
18/3/19	9.2	NOM – Mayor – Dog Enclosure Area	Motion CARRIED 6/6/19 – Report included with this agenda	DCE/DIDS	Completed	6/6/19
18/3/19	10.9	ROC – Recreational Vehicle Dump Point	Motion LOST Alternate Motion CARRIED That Council nominate the site outside the waste transfer station as its preferred site for relocation of the Wynyard Recreational Vehicle dump point and authorise the commencement of design work for this location 6/5 – detailed design currently being worked on.	DIDS	Ongoing	
15/4/19	9.1	NOM – Cr Edwards – Pathway Planners in Schools	Motion carried - That Council advocate to the State Government for Pathway Planners to be reinstated in schools in support of the Hellyer Regional Collective. Letter will be written and signed by WWC, CHC and BCC 1/6/19 – Letter written and sent to minister. Copy attached to this report.	GM	Complete	1/6/19
15/4/19	9.2	NOM – Cr Fairbrother – Waratah Dam	Motion carried -	GM	Ongoing	

REPORTS OF OFFICERS AND COMMITTEES

			<p>That council liaise with TasWater and the local Waratah community to establish the environmental, cultural and the historical significance of the Waratah Dam; and</p> <p>That council make representation to the owners of TasWater highlighting the significance and exceptional circumstances surrounding the Waratah Dam requesting that the dam be made safe by reinstatement or repair.</p> <p>Action to commence following EOI process closed 22 May. Awaiting outcome of evaluation process.</p>			
15/4/19	9.3	NOM Cr House – Community Engagement Events	<p>That Council give in-principal support for establishing community engagement events, and that Council prepare a paper detailing options for conducting these, for consideration and adoption.</p> <p>1/6/19 Report included with this agenda.</p>	GM	Complete	6/6/19
20/5/19	5.5.2	PQWON – Mr P Gaylard – Camping at Moore St Boat Harbour Beach	<p>Mr Gaylard of Boat Harbour Beach asked if Council would alter/remove the camping signage west of Moore Street to make it safer for pedestrians and what other avenues council could pursue to make pedestrian usage safer in this area in the period before the new plans are enacted.</p> <p>6/6/19 - Response included in this agenda.</p>	DIDS	Complete	6/6/19
20/5/19	5.5.3	PQWON – Mr P Gaylard – Signage at Boat Harbour Beach	<p>Mr Gaylard queried whether council should have made certain that an “existing use” did exist and that no permit was required before putting up camping signage and not seeking evidence after they were erected. Mr Gaylard asked what Council’s position is on allowing myself, or other council residents, to act on any issue without making sure a permit was required or not required. Have Council applied the same condition to themselves as they would to residents and if not why not.</p> <p>The Director of Infrastructure and Development Services took the question on notice.</p> <p>6/6/19 – response included in this agenda</p>	DIDS	Complete	6/6/19
20/5/19	7.3.1	CQWON – Cr Bramich	<p>Cr Bramich noted that he believed there was a motion in 2013 that \$6,000 go into the budget to dispose of Preolenna hall and asked if documentation could be reviewed.</p> <p>6/6/19 – There was no motion or budget figure of \$6000 included in 2013 or 2014 budgets.</p>	GM	Complete	6/6/19

REPORTS OF OFFICERS AND COMMITTEES

20/5/19	7.3.3	CQWON – Cr Hyland – Preolenna Hall	Cr Hyland asked if tribute/memorial at Meunna could be considered in conjunction with the review of the Preolenna Memorial. 6/6/19 – refer response in this agenda	GM	Ongoing	
20/5/19	7.3.6	CQWON – Cr Fairbrother – Crown Land Consent for Signs	(Refer item 7.2.6) Cr Fairbrother asked if copy of crown land approval for signs at Boat Harbour Beach can be provided. The Director of Infrastructure and Development Services advised that a copy of the letter has been sought from Crown Land Services and should be available for this week 6/6/19 Council is awaiting receipt of letter	DIDS	Ongoing	
20/5/19	7.3.7	CQWON – Cr Fairbrother - Camping at Boat Harbour Beach	(Refer item 7.2.2) Cr Fairbrother stated that he believed that the response to the previous question was insufficient and asked for clarification as to why previously (in 2012) a planning permit required and one is not required now. Cr Fairbrother also noted change of use from “camping” to “recreation “and stated that he believed that a change from freedom camping to camping is change of use and intensity. He also noted that previously it was agreed that freedom camping would be allowed but not tents. 6/6/19 – refer response this agenda.	DIDS		
20/5/19	8.1	NOM – Cr House – Dog Management	Motion Carried That Council: 1. Commence, this year, the inclusion of a dog management brochure to be issued annually with the dog registration notice, as an improved information and education measure; and 2. Within four (4) months, produce a report detailing areas of opportunity to improve animal control, which includes considering; <ul style="list-style-type: none"> - Initiating a compulsory enforcement period or location, regarding public area dog offences. - Feasibility of after-hours animal control patrols (seasonal or ongoing). - Publication of a complaint handling framework. - Development of a suite of dog related resources and education campaign, for print, social media and the council’s website. - Improvement of Councils animal control statistics and data collection 	DIDS		

REPORTS OF OFFICERS AND COMMITTEES

			6/6 – Brochure has been prepared and shown to Councillors. It will be included with the registration renewals to be sent out 28/6/19			
20/5/19	9.1	ROC – Wynyard Showgrounds	<p>Motion Carried</p> <p>That Council note the submissions received from users of the Wynyard Showgrounds Committees and determine that:</p> <ul style="list-style-type: none"> • There will be no OSSR relocation of users from the showground (unless users request such); • The OSSR plan not be updated or reviewed with the information and recommendations it provides used to inform Council and community in its decision making as it progresses aspects of or variations to OSSR and the commentary against the actions of the OSSR plan are to be updated with sufficient detail to outline the current position of the Showground Committees; • The status quo at the showgrounds will be maintained and Council will support the users strategically, but not financially, in the short term; • When the user’s needs have been clearly identified and concepts, project and business plans agreed on Council might become financially involved if it has the capacity and there is an alignment with Council’s strategic intent; and • Council interest in developing aspects of the Wynyard High School plan that increase community access and use is retained. • Write a letter of support to the Wynyard Show Society for their pending funding application for the Industrial Hall <p>6/6/19 Working Group to be established to progress a strategic vision.</p>	GM	Ongoing	
20/5/19	9.2	ROC – Waste Strategy	<p>Motion carried</p> <p>That Council approve the release of the Waste Strategy 2019-2024 for public consultation and that this feedback be considered prior to finalising the strategy and for final Council approval.</p>	DIDS		
20/5/19	9.3	ROC – Adoption of Central Area Development Plan (CADP)	<p>Motion Carried</p> <p>6/6 – Document uploaded to website.</p> <p>Next steps will be to prepare an implementation plan and prioritise and schedule recommendations.</p>	DIDS	Complete	6/6/19

REPORTS OF OFFICERS AND COMMITTEES

20/5/19	9.4	ROC – Boat Harbour Beach Masterplan Public Consultation	Motion Carried 1/6/19 Public consultation has commenced with workshops being held 14 and 15 June. Details available on website, Facebook and media releases have been issued. Good feedback is being received	DOP		
20/5/19		CQWON – Cr Fairbrother asked that copy of previous assessments of dog exercise areas be provided	The general Manager agreed to provide 6/6/19 The report has been included as part of this agenda	GM	Complete	12/6/19

ADMINISTRATION – USE OF CORPORATE SEAL

23/5/19	Memorandum of Understanding	Sustainable Murchison 2040 – Reference Group Arrangements
28/5/19	Final Plan & Schedule of Easements	SD1970 263 Port Road Boat Harbour Beach
31/5/19	Grant Deed	\$1.1m State Government Grant – Wynyard Waterfront & Environs Project
3/6/19	Crown Land Lease and License	Waratah Falls PID 9921313 ref 024553
3/6/19	Grant Deed	Minor Infrastructure upgrade – childcare outdoor blinds



Tasmanian Heritage Council
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enquiries@heritage.tas.gov.au
www.heritage.tas.gov.au

22 May 2019

The General Manager
Mr Shane Crawford
Waratah – Wynyard Council
PO Box 168
Wynyard TAS 7325

THR#1170

Dear Mr Crawford,

**Application to enter Waratah Dam Reservoir, Waratah
in the Tasmanian Heritage Register**

You may be aware that in 2018, the Tasmanian Heritage Council received an application from members of the Waratah community, for the Waratah Dam Reservoir to be entered in the Tasmanian Heritage Register.

In order for a place to be entered in the Tasmanian Heritage Register, it must meet criteria outlined in the *Historic Cultural Heritage Act 1995*. I write to advise you that the Tasmanian Heritage Council, after careful consideration, has determined that the Waratah Dam Reservoir does not meet criteria for entry in the Heritage Register. The applicant has been advised of the Heritage Council's decision.

The Heritage Council has concluded that the reconstruction work that was undertaken on the dam following the 1975 collapse has compromised the integrity of the original structure to such an extent that it no longer demonstrates its historical association with the Mount Bischoff mining operations. The Council came to this conclusion following very careful consideration of the dam's history. The Heritage Council accepts however, that the Waratah Dam Reservoir may continue to have value for the local Waratah community on the basis of its recreational, natural and local heritage values.

Yours sincerely

Brett Torossi
Chair, Tasmanian Heritage Council

File ref:	
Log Ref:	
Officer:	
cc:	



24 May 2019

The Hon Jeremy Rockliff MP
Deputy Premier
Minister for Education and Training
Minister for Infrastructure
Minister for Advanced Manufacturing and Defence Industries
Level 10, 15 Murray Street
HOBART TAS 7000

Dear Minister,

RE: PATHWAY PLANNING OFFICERS IN TASMANIAN HIGH SCHOOLS AND COLLEGES

At a recent Joint Workshop of the Waratah Wynyard, Burnie City and Circular Head Councils, Julie Jacobson from the Hellyer Regional Collective presented a strategy aimed at strengthening ties between councils and high schools in our region. The strategy seeks to provide students studying until year 12 with more flexibility and opportunity, whilst allowing schools to make better use of their limited resources.

Hellyer College and its feeder schools are committed to working collaboratively to ensure that every student is supported to successfully complete year 12 and achieve their Tasmanian Certificate of Education, or an equivalent qualification. This group includes Hellyer College and Smithton, King Island, Mountain Heights, Rosebery, Wynyard, Yolla, Burnie, Parklands and Penguin district high and high schools.

Each of the schools and the College have coordinated their course and program offerings by maximising the teaching expertise and facilities available to support students within their community and have extended this opportunity to all students in the region. The schools and College are working closely together, supporting transition from year 10 in to year 11 and tracking progress through to completion of year 12. We are in full support of these efforts to reduce barriers to education beyond year 10.

At the Joint Workshop, elected representatives expressed their concern around the removal of pathway planning officers from high schools and colleges, which is consistent with the views of many stakeholders throughout our region. Subsequently, Waratah Wynyard Council at its meeting on 15 April resolved to advocate for the reinstatement of pathway planners, in support of the Hellyer Regional Collective. This view is fully supported by Circular Head and Burnie City Councils'. While *My Education* has delivered a new approach to 'career development in schools', Council firmly believe the reinstatement of pathway planners is critical, in order to provide students in regional areas with the best prospect of a healthy, happy and productive future. Pathway planners have a particularly important role to play in supporting students through the transition from year 10 to year 12. It is unreasonable for teachers to have sole responsibility for this.

The Cradle Coast Regional Futures Plan, developed by the Cradle Coast Authority with and on behalf of our region's nine councils, draws attention to the approximately 3,800 jobs expected to be created in our region between 2016 and 2022, while our population is ageing and plateauing. Retaining young, appropriately educated people is vital to ensure economic growth and is a very high priority for our Councils. We implore the Government to consider our request and support the outstanding work of the Hellyer Regional Collective and other stakeholders in our region, by reinstating pathway planners.

We appreciate you considering our request and look forward to hearing from you.

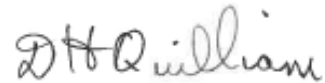
Yours sincerely



Acting Mayor Duniam
Waratah Wynyard Council



Mayor Kons
Burnie City Council



Mayor Quilliam
Circular Head Council

9.10 MINUTES OF OTHER BODIES/COMMITTEES

9.10.1 MINUTES OF OTHER BODIES/COMMITTEES - CRADLE COAST AUTHORITY COMMUNITY REPRESENTATIVES MEETING HELD 23 MAY 2019

To: Council
Reporting Officer: Executive Officer
Responsible Manager: General Manager
Report Date: 6 June 2019
File Reference: 0.0
Enclosures: 1. Unconfirmed Minutes Cradle Coast Authority
Representatives meeting 23 May 2019

RECOMMENDATION

That Council note the Unconfirmed Minutes of the Cradle Coast Authority Representatives meeting held on 23 May 2019

PURPOSE

The Unconfirmed Minutes of the Meeting of the **Cradle Coast Authority Representatives** held on **23 May 2019**, are laid on the table and circulated.

BACKGROUND

The Cradle Coast Authority is the regional voice of North West Tasmania, established by nine Local Government Councils to represent and advocate the needs of the region.

The Authority collaborates and facilitates a diverse range of projects and initiatives involving all tiers of government, industry and the community. The three key areas of focus are Regional Economic Development, Natural Resource Management and Tourism.

The activities and strategic direction of the Authority are managed by a Board.

DETAILS

The unconfirmed minutes of the meeting of the Cradle Coast Authority (CCA) Representatives Meeting held **23 May 2019** are presented for noting.

The following is a summary of meeting highlights:

- The 2019-2020 Annual Plan and Budget were endorsed
- Current Board Chairman, Mr Sid Sidebottom was appointed for a further two years.
- The CCA Representatives directed the CCA CEO to contact Minister Jeremy Rockliff and relay concerns that a funding agreement has not yet been received for the Coastal Pathway.

- The CCA Representatives directed the CCA CEO to contact Minister Jeremy Rockliff and confirm that the \$4,4m promised by the State for the Latrobe to Sulphur Creek section of the Coastal Pathway will not be re-purposed.

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL
Desired Outcomes
We highly value the use of an evidence-based approach to the development and implementation of strategies and policies that support and strengthen our decision making.
Our Priorities
1.4 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.
Access and infrastructure	Local, regional and global transport and infrastructure access – Safe and efficient access alternatives, growing freight capacity, renewable energy, water management and contemporary communications. Community infrastructure that supports economic development.
Natural resource management	Managing abundant, natural and productive resources – Natural resource management is valued and development is environmentally sustainable. The environment is clean and healthy with unspoilt beauty and biodiversity.
Place making and liveability	Liveable places for all ages – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.
Governance and working together	Working together for Murchison – Everyone plays a part in achieving the objectives of the Sustainable Murchison Community Plan. There is cooperation, resource sharing and less duplication between Councils. Leadership is provided across all community sectors.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

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

CONSULTATION PROCESS

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

CONCLUSION

It is therefore recommended that Council note the Unconfirmed Minutes of the Cradle Coast Authority (CCA) Representatives Meeting held **23 May 2019**

10.0 MATTERS PROPOSED FOR CONSIDERATION IN CLOSED MEETING

Legislative Reference:

Local Government (Meeting Procedures) Regulations 2015; Regulation 15

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

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

- (a) personnel matters, including complaints against an employee of the council and industrial relations matters;*
- (b) information that, if disclosed, is likely to confer a commercial advantage on a person with whom the Council is conducting, or proposes to conduct business;*
- (c) commercial information of a confidential nature, that if disclosed, is likely to-
 - (i) prejudice the commercial position of the person who supplied it; or*
 - (ii) confer a commercial advantage on a competitor of the council; or*
 - (iii) reveal a trade secret;**
- (d) contracts, and tenders, for the supply and purchase of goods and services and their terms, conditions, approval and renewal;*
- (e) the security of –
 - (i) the council, councillors and council staff; or*
 - (ii) property of the council;**
- (f) proposals for the council to acquire land or an interest in the land or for the disposal of land;*
- (g) information of a personal nature or information provided to the council on the condition it is kept confidential;*
- (h) applications by councillors for leave of absence;*
- (i) relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council;*
- (j) the personal hardship of any person who is resident, or is a ratepayer in, the relevant municipal area.*

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

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

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

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

RECOMMENDATION

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

Matter	Local Government (Meeting Procedures) Regulations 2015 Reference
<i>Confidential Report R15 (2) - Confirmation Of Closed Minutes Of Previous Meeting</i>	<i>15 (2)</i>
<i>Confidential Report R15 (2) – Notices Of Motion</i>	<i>15(2)</i>

<i>Confidential Report R15 (2) (f) proposals for the council to acquire land or an interest in the land or for the disposal of land</i>	<i>15 (2) (f)</i>
<i>Confidential Report R15 (2) (g) information of a personal nature or information provided to the council on the condition it is kept confidential</i>	<i>15 (2) (g)</i>
<i>Confidential Report R15 (2) (g) information of a personal nature or information provided to the council on the condition it is kept confidential</i>	<i>15 (2) (g)</i>
<i>Confidential Report R15 (2) (g) information of a personal nature or information provided to the council on the condition it is kept confidential</i>	<i>15 (2) (g)</i>
<i>Confidential Report R15 (2) (h) - Leave of Absence Request - Councillors</i>	<i>15(2)(h)</i>
<i>Confidential Report R15 (2) - Closed Senior Management Report</i>	<i>15(2)</i>

11.0 CLOSURE OF MEETING TO THE PUBLIC

Legislative Reference:

Local Government (Meeting Procedures) Regulations 2015; Regulation 15

RECOMMENDATION

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

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) (f) proposals for the council to acquire land or an interest in the land or for the disposal of land</i>	15 (2) (f)
<i>Confidential Report R15 (2) (g) information of a personal nature or information provided to the council on the condition it is kept confidential</i>	15 (2) (g)
<i>Confidential Report R15 (2) (g) information of a personal nature or information provided to the council on the condition it is kept confidential</i>	15 (2) (g)
<i>Confidential Report R15 (2) (g) information of a personal nature or information provided to the council on the condition it is kept confidential</i>	15 (2) (g)
<i>Confidential Report R15 (2) (h) - Leave of Absence Request - Councillors</i>	15(2)(h)
<i>Confidential Report R15 (2) - Closed Senior Management Report</i>	15(2)

12.0 RESUMPTION OF OPEN MEETING

At pm the Open Meeting was resumed.

13.0 PUBLIC RELEASE ANNOUNCEMENT

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

Min. No.	Subject	Decisions/Documents

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