



**ORDINARY MEETING
OF COUNCIL**

**MINUTES
OPEN MEETING**

16 December 2024

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

MINUTES OF AN ORDINARY MEETING OF THE WARATAH-WYNYARD COUNCIL TO BE HELD AT THE COUNCIL CHAMBERS, 21 SAUNDERS STREET, WYNYARD ON MONDAY 16 DECEMBER 2024, COMMENCING AT 6.00PM

	From	To	Time Occupied
Open Council	6.00PM	6.13PM	13MINS
Planning Authority	6.13PM	6.17PM	4MINS
Open Council	6.17PM	7.04PM	47MINS
Closed Council	7.07PM	7.10PM	3MINS
Open Council	7.10PM	7.10PM	0MINS
TOTAL TIME OCCUPIED			67MINS

AUDIO RECORDING OF COUNCIL MEETINGS POLICY

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

ACKNOWLEDGEMENT OF COUNTRY

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

1.0 RECORD OF ATTENDANCE

1.1 ATTENDANCE

MAYOR MARY DUNIAM
DEPUTY MAYOR CELISA EDWARDS
COUNCILLOR GARY BRAMICH
COUNCILLOR ANDREA COURTNEY
COUNCILLOR KEVIN HYLAND
COUNCILLOR MICHAEL JOHNSTONE
COUNCILLOR LEANNE RAW
COUNCILLOR DILLON ROBERTS

IN ATTENDANCE

ALAN CATTERMOLE – DIRECTOR COMMUNITY SERVICES
SALLIE MOORE-WOOD – DIRECTOR GOVERNANCE AND INFORMATION SERVICES
MITCHELL SMITH – DIRECTOR – FINANCIAL SERVICES
REBECCA PLAPP – MANAGER DEVELOPMENT
SALLY BLANC - EXECUTIVE OFFICER

1.2 APOLOGIES

Acting General Manager, Danial Summers

1.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil received.

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

2.1 CONFIRMATION OF MINUTES OF PREVIOUS ORDINARY COUNCIL MEETING

MOVED BY	CR ROBERTS
SECONDED BY	CR HYLAND

That the Minutes of the Ordinary Meeting of the Waratah-Wynyard Council held at Council Chambers, 21 Saunders Street, Wynyard on Monday 18 November 2024, a copy of which having previously been circulated to Councillors prior to the meeting, be confirmed as a true record.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

2.2 CONFIRMATION OF MINUTES OF PREVIOUS SPECIAL COUNCIL MEETING

MOVED BY	CR ROBERTS
SECONDED BY	CR EDWARDS

That the Minutes of the Special Meeting of the Waratah-Wynyard Council held at Council Chambers, 21 Saunders Street, Wynyard on Monday 2 December 2024, a copy of which having previously been circulated to Councillors prior to the meeting, be confirmed as a true record.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

2.3 CONFIRMATION OF MINUTES OF THE ANNUAL GENERAL MEETING

MOVED BY	CR HYLAND
SECONDED BY	CR BRAMICH

That the Minutes of the Annual General Meeting of the Waratah-Wynyard Council held at Council Chambers, 21 Saunders Street, Wynyard on Monday 9 December 2024, a copy of which having previously been circulated to Councillors prior to the meeting, be confirmed as a true record.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

3.0 DECLARATIONS OF INTEREST

Councillor and Agenda Item Number

Item 9.3 – Cr Edwards

Staff and Agenda Item Number

Nil

4.0 COUNCILLORS ANNOUNCEMENTS AND REPORT

4.1 ANNOUNCEMENTS BY MAYOR**Cradle Coast Authority Update**

At the recent General Meeting, Council Representatives were provided with information regarding the review of Cradle Coast Authority. This Review was undertaken to capture Member Councils' feedback on the pros and cons of the Authority going forward.

Councils will be provided with full documentation with future options of the Authority for consideration at a full Council meeting and to provide this decision at the next CCA Reps meeting in March 2025.

This General Meeting was followed by the CCA AGM where Chief Rep Mayor Peter Freshney stepped down from the role. At this AGM, I was elected to the role of Chief Representative and Mayor Alison Jarman was elected as Deputy Chief Representative for a term of 2 years.

4.2 MAYOR'S COMMUNICATIONS

MOVED BY	CR JOHNSTONE
SECONDED BY	CR COURTNEY

That Council note the Mayors Communications:

MAYOR DR MARY DUNIAM	
11/11/24	Farm it Forward Media
11/11/24	GM Recruitment process discussions
11/11/24	Councillor Workshop
12/11/24	Coast FM Radio Interview
14/11/24	Murchison Mayor and General Managers Meeting
14/11/24	ALGWA – Mentoring Session
18/11/24	Council Meeting
19/11/24	Speech at UTAS Alumni Meeting
20/11/24	LGAT Mayors Workshop
21/11/24	LGAT General meeting
22/11/24	GM Recruitment process discussions
25/11/24	Councillor Workshop
26/11/24	GM Recruitment process discussions
27/11/24	CCA Executive Committee Meeting
28/11/24	Waratah-Wynyard Pastors Association meeting
2/12/24	Meeting with constituent
2/12/24	Special Council Meeting
2/12/24	Councillor Workshop
3/12/24	Coast FM Radio Interview
3/12/24	International Day of People with Disability
3/12/24	Premiers Function
4/12/24	Mayors Meeting with Premier re Regional Aviation Strategy
4/12/24	Wynmatters Christmas Lunch
4/12/24	LGAT training
5/12/24	RDA Tas Committee Meeting
5/12/24	Wonders of Wynyard Celebration

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

4.3 REPORTS BY DELEGATES

Nil received.

4.4 NOTIFICATION OF COUNCIL WORKSHOPS

MOVED BY	CR ROBERTS
SECONDED BY	CR BRAMICH

That Council note the following Workshops:

25/11/24	Councillor Only – GM Recruitment Process discussion
2/12/24	Natural Burials BighART Annual Update Child & Youth Safe Framework Update

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

5.0 PUBLIC QUESTIONS AND STATEMENTS**5.1 RESPONSE(S) TO PUBLIC QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING**

Nil received.

5.2 PUBLIC QUESTIONS RECEIVED IN WRITING

Nil received.

5.3 PUBLIC QUESTIONS WITHOUT NOTICE**5.4 PUBLIC STATEMENTS RECEIVED IN WRITING**

Nil received.

5.5 PUBLIC STATEMENTS WITHOUT NOTICE**5.5.1 M CAMPBELL - REFLECT RECONCILIATION ACTION PLAN**

The following statement was provided by Marina Campbell – RAP Facilitator Reconciliation Tasmania:

“RE: Item 9.1 REFLECT RECONCILIATION ACTION PLAN

Thank you, Mayor Duniam. On behalf of Reconciliation Tasmania, I thank you, Council Elected Members and previous General Manager Shane Crawford for your personal and professional commitment to reconciliation for the Waratah- Wynyard community.

You have shown leadership and vision in developing this Reconciliation Action Plan (RAP). You have also shown courage in being prepared to hold yourselves accountable to your community regarding one of the most important issues facing our communities – with a desire to step into a new paradigm of walking with respect side by side with Aboriginal and Torres Strait Islander peoples.

We have a long way to go to achieve reconciliation in Tasmania and in Australia but as our First Nations friends and colleagues have taught us – it is one step at a time – walking together in solidarity to achieve recognition, acceptance and justice.

There are five dimensions to the Reconciliation Framework we use in Australia: race relations, equality and equity, institutional integrity, unity and historical acceptance.

By developing a Reconciliation Action Plan, Council has demonstrated significant institutional integrity as well as the importance placed on gaining a deeper historical understanding toward reaching community unity and improved opportunities for Aboriginal and Torres Strait Islander people.

I acknowledge the generous and gracious First Nations partners that Waratah- Wynyard Council have reached out to for advice and dialogue in particular the guidance and wisdom shared by Circular Head Aboriginal Corporation (CHAC) as well as Aboriginal and

Torres Strait Islander peoples and Elders of this community. CHAC have also expressed commitment to support Council's delivery of the Reflect RAP.

I acknowledge the art work of First Nations artist Michelle Walker. Michelle's art is an important element of the RAP.

It has been my privilege to be your Reconciliation Tasmania guide and to work closely with the RAP Working Group; a thoughtful and determined group ready to learn and be vulnerable as they championed the RAP with colleagues and community. I particularly commend Lucy Taylor for her hard work, steady and persistent commitment and strong leadership.

The Waratah-Wynyard RAP reflects this journey. A journey of deep listening and learning within the organisation and across the community. With the key themes of the RAP being:

- Acknowledging the Traditional Custodians of the land, the Tommeginer people.
- Sharing the stories of the Tommeginer people and making it accessible for all of community.
- Learning about and sharing Aboriginal and Torres Strait Islanders cultures and histories in new ways.

As noted in the report to Council this evening "survey feedback indicated that Council is well positioned to adopt a set of Reflect RAP actions that have cultural learning at the forefront".

As we know this is the beginning of Councils journey but it is already a significant contribution toward reconciliation and I wish you well as you progress actions within your Reflect Reconciliation Action Plan.

Again, on behalf of Reconciliation Tasmania, I further commend Mayor Duniam, all Councillors and Acting General Manager for your desire and commitment to embed reconciliation initiatives in your organisations culture and your work within community.

Marina Campbell
RAP Facilitator
Reconciliation Tasmania"

6.0 PLANNING AUTHORITY ITEMS

PLANNING AUTHORITY OPENED AT 6.13PM






6.1 PUBLIC QUESTIONS WITHOUT NOTICE – RELATING TO PLANNING MATTERS

Nil received.

6.2 PUBLIC STATEMENTS - RELATING TO PLANNING MATTERS

Nil received.

6.3 STAGED SUBDIVISION (2 INTO 11 LOTS) AND ROAD EXTENSION LOCATED AT 108 MCKAYS ROAD, SOMERSET - SD2208

To:	Council
Reporting Officer:	Town Planner
Responsible Officer:	Manager Development and Regulatory Services
Report Date:	21 November 2024
File Reference:	3122425
Supporting Documents:	<ol style="list-style-type: none">1. Consolidated advertised documents 2. NRE Tas (Conservation Assessments) response 3. Representation A 4. Representation B 5. Signed extension of time 

PURPOSE

The purpose of this report is for Council to consider the merits of the application SD2208 against the requirements of the *Tasmanian Planning Scheme - Waratah-Wynyard*.

BACKGROUND

The subject site is located at the end of McKays Road and has an area of approximately 15.6ha. It consists of two parcels of land (CT 230293/1 & CT 162050/1), the latter of which contains a single dwelling and domestic outbuildings.

A boundary adjustment was approved under DA 118/2024 to adhere a 105m² portion of 1 Newhaven Drive to 108 McKays Road (CT 162050/1) to facilitate additional frontage. The final plans for this boundary adjustment have been signed and sealed by Council and are with the Land Titles Office.

The property surrounds two internal residential lots, 103 McKays Road (CT 64414/1) and 107 McKays Road (CT 64414/2), both of which contain single dwellings with associated outbuilding development and are accessed from McKays Road via access strips. Several unnamed creeks cross through portions of 103, 107 and 108 McKays Road.

The subject site adjoins other Rural Living zoned lots containing single dwellings and outbuildings to the east. Land to the north, west and south is zoned Agriculture and is used for a mix of plantation forestry and grazing. There is a small lot to the south in the same ownership as the subject site which contains a domestic (private use) horse arena.

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 staged subdivision comprising an extension to McKays Road and 11 additional residential lots. The properties of each residential lot, including both existing developed lots and proposed lots, are shown in the table below.

Lot No.	Area	Frontage	Status	Stage
1	9709m ²	177m	Vacant	2
2	8032m ²	85m	Vacant	2
3	8001m ²	63m	Vacant	3
4	2.04ha	177m	Vacant	3
5	1.28ha	4.6m	Outbuildings	2
6	2.73ha	4.6m	Vacant	2
7	8093m ²	4.6m	Vacant	2
8	1.87ha	163m	Vacant	3
9	8792m ²	6.6m	Vacant	3
10	9290m ²	6.8m	Vacant	3
11	1.65ha	17m	Dwelling & outbuilding	1

The extension to McKays Road is proposed to be completed in three stages, corresponding with the creation of Lot 11, containing the existing dwelling and shed, in Stage 1, Lots 1 – 2 and 5 – 7 in Stage 2 and Lots 3 – 4 and 8 – 10 in Stage 3.

Proposed Lots 1 – 4 and 8 – 11 will be accessed from the extension to McKays Road. Lots 5 – 7 have reciprocal rights of way with each other but retain direct road frontage onto the current end of McKays Road, to the south of the access strips for 103 and 107 McKays Road.

The subdivision plans also include access for Lots 5 – 7 onto the new portion of McKays Road over these access strips.

The existing development on Lots 5 and 11 complies with the permitted setback requirements from all new proposed title boundaries.

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

The subject property is zoned Rural Living under the Planning Scheme. According to Clause 6.2.6 of the Planning Scheme, development for subdivision does not need to be categorised into a Use Class. The proposal does not comply with all the acceptable solutions. The applicant is applying for discretion under the following Clauses of the Planning Scheme:

- 11.4.1 Site coverage (P1)
- 11.5.1 Lot design (P1, P2)
- 11.5.2 Roads (P1)
- 11.5.3 Services (P2)
- C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction (P1)
- C7.6.1 buildings and works within a waterway and coastal protection area or a future coastal refugia area (P1.1)
- C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area (P1.1)
- C7.7.2 Subdivision within a priority vegetation area (P1.1, P1.2)
- C15.6.1 Building and works within a landslip hazard area (P1.1, P1.2)
- C15.7.1 Subdivision within a landslip hazard area (P1.1)

CONSULTATION PROCESS

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

The following documentation was advertised:

- Development application form x 3 Pages;
- Title documents x 23 Pages;
- Plan of subdivision x 2 Pages;
- Supporting report x 55 Pages;
- Bushfire hazard management report x 29 Pages
- Flora and Fauna search x 78 Pages;
- Natural Values Assessment x 76 Pages;
- Traffic Impact Assessment x 48 Pages; and

- Landslide risk assessment & Onsite wastewater assessment x 49 Pages;

The period for representations closed on 14 November 2024. Two (2) representations were subsequently received from adjoining landowners.

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



Figure 2: Relationship between the subject site and representors' properties

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

Representation A: J & A Crawford

Issues raised:	Response:
<p>The representors state that they will not grant consent for proposed Lots 5, 6 and 7 to access the proposed extension to McKays Road via their property at 107 McKays Road and will not consent to changes to their title.</p> <p>Legal access to lots 5, 6 and 7 has already been acquired via a boundary adjustment with 1 Newhaven Drive and this should be used. This is the most logical and simplest solution.</p>	<p>It is acknowledged that the proposal includes providing a means of access to Lots 5, 6 and 7 over land forming part of the representor's property at 107 McKays Road.</p> <p>Whilst Council as a planning authority is not required to take into consideration whether a private property owner consents to an application being made, any final plan of survey to give legal effect to a subdivision cannot be endorsed and sealed by relevant authorities without all necessary consents being obtained.</p>

	<p>Where there is a question over land rights relevant to Council's responsibilities as a planning authority Council will seek to obtain its own independent legal advice and advises all interested parties to do the same.</p> <p>It is noted that application has been made for both accesses and both have been assessed as suitable for the type and amount of traffic likely to be generated by future development of lots, should the subdivision be approved.</p>
<p>There needs to be appropriate signage at the junction of Newhaven Drive and McKays Road as there is already confusion as to who gives way to whom. There have been a number of accidents and near misses at this point in the road.</p>	<p>A Traffic Impact Assessment (TIA) undertaken by a suitably qualified traffic engineer was submitted with the application. The TIA recommends that Narrow Bridge and Hazard Markers be installed on the eastern approach to the bridge to further assist road users. Any permit issued will be required to comply with the recommendations contained in the TIA.</p>

Representation B: R Kirkpatrick

Issues raised:	Response:
<p>Owner consent</p> <p>The representor states that the inclusion of part of their land at 103 McKays Road in the development was done without their knowledge and that they are not a party to the application.</p>	<p>It is acknowledged that the proposal includes providing a means of access to Lots 5, 6 and 7 over land forming part of the representor's property at 103 McKays Road. Copies of the title documents for this property were provided with the application and the owners details were included on the application form under section 5 'where the applicant is not the owner'. The applicant has met the requirements of s52 LUPAA.</p>
<p>Access for Lots 5, 6 and 7</p> <p>The application seeks to transfer the rights of access for 108 McKays Road to a third, fourth and fifth block of land (Lots 5, 6 and 7). The right of way access (right of carriageway) is for the benefit of a single party (108 McKays Road) and is not transferrable.</p> <p>The representor states that they will not grant consent for Lots 5 – 7 to access the proposed extension to McKays Road over their private driveway.</p>	<p>Owner consent is not required for the making of an application unless the land is owned or administered by the Crown or Council.</p> <p>Whilst Council as a planning authority is not required to take into consideration whether a private property owner consents to an application being made, any final plan of survey to give legal effect to a subdivision cannot be endorsed and sealed by relevant authorities without all necessary consents being obtained.</p> <p>Where there is a question over land rights relevant to Council's responsibilities as a planning authority Council will seek to obtain its own independent legal advice and advises all interested parties to do the same.</p>

<p>Exclusion of 103 and 107 McKays Road from Planning Assessment</p> <p>The existing properties at 103 and 107 McKays Road have not been assessed against the requirements of the planning scheme and are not included on the bushfire report.</p> <p>The representor states that the application documentation proposes a change to the existing condition and topography of the land by constructing crossovers to access Lots 5, 6 & 7 on 103 and 107 McKays Road.</p> <p>As such the representor states that 103 and 107 McKays Road are considered part of the application as construction is proposed on these allotments and therefore each allotment must meet the provisions of the planning scheme requirements.</p> <p>The representor asserts that the application seeks to ignore these properties and to exclude these allotments from consideration and assessment against the planning scheme requirements. The application does not provide any drawings or other documents for 103 or 107 McKays Road (apart from titles documents) and fails to address the provisions of the planning scheme for each of these allotments.</p>	<p>The definition of 'subdivision' under the Planning Scheme is <i>'to divide the surface of a lot by creating estates or interests giving separate rights of occupation'</i></p> <p>Creation of a right of way over land does not fall within the definition of subdivision. Lots 5, 6, and 7 will have direct access onto McKays Road to the east and do not rely on 103 or 107 McKays Road as their sole means of access.</p> <p>In the event a right of way over 103 and 107 McKays Road McKays is created through the appropriate legal channels, these rights would be reflected on the schedule of easements for lots 5, 6, and 7, once created. It would not be a requirement for new title documents to be issued for 103 and 107 McKays Road.</p> <p>No 'works' as defined by s3 LUPAA are required for land forming part of 103 and 107 McKays Road.</p> <p>The only requirements for access prior to sealing a final plan, should a permit be issued, are for a driveway with a sealed surface to be constructed for Lots 1 to 11, from the edge of the bitumen surfaced pavement of McKays Road to the applicable property boundary (see condition 13 of recommendation).</p> <p>Internal driveways from public boundaries to buildings areas are not dealt with at the subdivision stage and are only relevant once a habitable building is to be constructed on a lot. Bushfire hazard management plans are intended to show indicative building areas which can achieve a suitable BAL rating. Future landowners may seek to apply to building elsewhere on a lot, however this would require separate consideration under the Planning Scheme.</p> <p>The properties at 103 and 107 McKays Road do not require assessment against the provisions of the Planning Scheme.</p>
<p>Non-compliance with A1(b) for Clause 11.5.3 Services</p> <p>The application states that a 100mm diameter water main is to be constructed to service the lots from a wayleave water main and that this</p>	<p>Clause 11.5.3 A1 states that:</p> <p><i>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must:</i></p>

<p>provides connection to each lot. The application documents show no evidence of a water main or connections to lots and the bushfire plan only demonstrates water tanks with a 10,000-litre minimum capacity for firefighting purposes. Not domestic consumption is shown. The application does not clearly demonstrate how it intends on providing a reliable water source to each lot for the purposes of domestic consumption.</p>	<p><i>be connected to a full water supply service if the frontage of the lot is within 30m of a full water supply service; or</i></p> <p><i>be connected to a limited water supply service if the frontage of the lot is within 30m of a limited water supply service,</i></p> <p><u><i>unless a regulated entity advises that the lot is unable to be connected to the relevant water supply service.</i></u></p> <p>The application was referred to TasWater on 21 October 2024. A response was received on 8 November 2024 advising that the development is not required to connect to TasWater's water supply system. TasWater requires the existing dwelling for Lot 11 to be disconnected from TasWater's bulk transfer main. All lots are to have a static water supply. This will only need to be installed once the lots are developed and location of buildings determined.</p> <p>Clause 11.5.3 A1 is not applicable to the application.</p>
<p>Non-compliance with C13 Bushfire Prone Areas Code</p> <p>The representation raises several issues regarding the submitted Bushfire Hazard Risk Assessment and associated Bushfire Hazard Management Plan, primarily concerning the exclusion of 103 and 107 McKays Road from the report.</p> <p>Issues with classification of vegetation, property access and road width compliance were also raised amongst others specific to the substance of the submitted report and hazard management plan.</p>	<p>Section 51(2)(d)(i) of LUPAA states that a planning authority '<i>must accept any relevant bushfire hazard management plan...that has been certified as acceptable by an accredited person or a State Service Agency</i>'</p> <p>The Bushfire Hazard Risk Assessment and associated Bushfire Hazard Management Plan was prepared by Scott Livingstone, Mr Livingstone is an accredited bushfire assessor.</p> <p>Council has no authority under either the Planning Scheme or LUPAA to dispute the content of the report and management plan prepared by Mr Livingstone and must accept the report and plan as submitted.</p>
<p>Non-compliance with Clause 11.5.2 Roads</p> <p>The proposed road reserve reduces by 47.44% (15m to 7.9m) is assessed against the lower Standard of the LGAT requirements for the construction of roads.</p>	<p>A Traffic Impact Assessment (TIA) undertaken by a suitably qualified traffic engineer was submitted with the application. The TIA confirms that the dimensions of the road extension are sufficient to provide rural property access to LGAT Rural Sealed Road Standard S3, which allows for a sealed width of</p>

<p>The Bushfire-Prone Areas Code requires a paved width of 7m on roads exceeding 200m that are terminated by a dead-end or cul-de-sac. The Code also requires an additional 2m either side of the carriageway to be within the road reservation requiring a total of 11m.</p> <p>The width of the road in the truncated portion of the road reserve is smaller than what is mandatorily required by the Bushfire Prone Areas Code.</p> <p>As the road is incorrectly assessed, the application does not address 11.5.2(P1) as it does not determine an adequate level of access and safety during a bushfire event.</p>	<p>5.5m with 0.5m wide gravel shoulders. This standard is also suitable for firefighting access for typical 8.8m long rigid firefighting trucks.</p> <p>Council's Engineering Department requires a 6m sealed width and 12m court bowl radius, above the typical 5.5m and 9m respective standard but consistent with bushfire requirements (see conditions 19 and 22 of recommendation).</p> <p>A Bushfire Hazard Risk Assessment and associated Bushfire Hazard Management Plan prepared by a suitable qualified person was submitted with the application.</p> <p>As stated in the response above, Council has no authority under either the Planning Scheme or LUPAA to dispute the content of the Bushfire Hazard Risk Assessment and associated Bushfire Hazard Management Plan submitted with the application as it was prepared by an accredited person.</p> <p>It is acknowledged that Table C13.1 of the Bushfire Prone Areas Code required roads ending in a cul-de-sac of more than 200m in length to have a carriageway width of 7m. The narrowest point of the proposed extension to McKays Road is 7.9m where it meets the existing road. The requirement for 2m clearance either side of the carriageway refers to ensuring there is sufficient space along the road to allow firefighting equipment and vehicles to pass through easily, it is not a requirement for a road reservation to be 11m in width.</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) Stormwater from the development is to be fully contained within the boundaries of the property.
- (2) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.

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- (3) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
 - (4) 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.
 - (5) Relevant engineering plans, specifications, calculations and computations are to be certified by a Chartered Professional Engineer in the relevant field, and submitted to the Director Infrastructure & Development Services or their delegate or their delegate for approval. No work is to commence until a Construction Certificate has been issued by the Director Infrastructure & Development Services or their delegate.
 - (6) On completion of work covered by a Construction Certificate a Chartered Professional Engineer in the relevant field is to certify by declaration that all work has been carried out fully in accordance with the approved plans, specifications, calculations and computations. "Works as Constructed" drawings that comply with the requirements of Council's "Submission of digital-as-constructed information" template are to be supplied.
 - (7) A twelve (12) month maintenance period is to apply to all works within the development which are to become Council infrastructure. A maintenance bond of 5% of the cost of the civil works as approved by the Director Infrastructure & Development Services or their delegate is to be lodged with Council prior to:
 - (a) the issue of the Maintenance Period Commencement document; or
 - (b) prior to the sealing of the Final Survey Plan
 - (8) A driveway with a sealed surface is to be constructed for Lots 1 to 11, from the edge of the bitumen surfaced pavement of the end of McKays Road to the property boundary in accordance with Tasmanian Standard Drawing TSD-R03-v3, Rural Roads Typical Property Access & TSD-R04-v3, Rural Roads Typical Driveway Profile and the conditions in a "Activity in Road Reservation Permit".
 - (9) Before sealing of the Final Plan, all disturbed surfaces on the land except those set aside for roadways, footways and driveways are to be covered with top soil and seeded and, where appropriate, re-vegetated and stabilized to the reasonable requirements of the Director Infrastructure & Development Services or their delegate.
 - (10) If the development requires work within a road reservation, the applicant is to obtain from Council a "Activity in Road Reservation Permit" before any site work commences. The Permit conditions may require lodgement of a bond as surety against damage to Council's infrastructure.
 - (11) Cross road culvert pipes are to be provided at low points in the road alignment and at intervals no greater than 200 metres. The culvert spacing is to be reduced to 100-metre intervals where the longitudinal grade of the road exceeds 10%.
 - (12) Erosion and sediment control measures that meet the reasonable requirements of the Director Infrastructure & Development Services or their delegate are to be implemented and maintained during the course of development to minimise downstream sediment transfer, particularly with respect to watercourses, stormwater outlets and disturbed ground.

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- (13) Excluding the narrowing point of 7.9m at the immediate extension of McKays Road as detailed on Subdivision plan with Project Number: 52668 (and Sheet Number: 3 as prepared by PDA Surveyors and dated 24 September 2024) a 15-metre wide road reservation, with lot boundaries splayed where necessary is to be provided and shown as "Road" on the final survey plan lodged for sealing.
- (14) The internal subdivision road is to be of compacted crushed rock pavement, designed in accordance with the Austroads Pavement Design Guidelines, with a sealed pavement width of 6 metres and 0.5m shoulders either side, and a minimum total pavement thickness of 300mm plus a minimum two coat bitumen spray coat seal and adequately sized table drains, all in accordance with the Tasmanian Standard Drawing TSD-R02-v3, Rural Roads Sealed. Construction is to satisfy the reasonable requirements of the Director Infrastructure & Development Services.
- (15) 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.
- (16) The applicant is to supply and install traffic management devices that include, but are not limited to, signage and line marking in accordance with the suite of AS 1742 standards and which meet the requirements of Department of State Growth. Before a Construction Certificate may be issued, the applicant or his designer is to prepare a set of traffic management drawings that are to be submitted to and approved by Department of State Growth.
- (17) A court bowl of radius 12 metres, to suit recommendations from Bushfire Requirements and otherwise in accordance with Tasmanian Standard Drawing TSD-R08-v3, Typical Cul-De-Sac Details Urban and Rural is to be provided at the termination of the internal road to facilitate the turning movement of large service vehicles. Construction is to be of equivalent standard to the internal road.
- (18) Before site disturbance or construction commences, a plan of management is to be prepared and submitted for approval by the Director Infrastructure & Development Services or their delegate or their delegate. The plan is to provide relevant project management information and outline proposed construction practices, including, but not limited to:
1. Contact details for principal, consultants and contractors including after hours numbers;
 2. Traffic management plan including road works signage;
 3. Proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken on site);
 4. 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;
 5. Site facilities to be provided; and
 6. Procedures for washing down vehicles to prevent soil and debris being carried onto the street.

(19) A Final Survey Plan submitted for sealing by the Council is to show all easements required for powerlines, sewerage, water, drainage purposes and legal access.

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

Environmental Health

The following environmental health conditions were recommended.

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

Notes:

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

EXTERNAL REFERRALS

The application was referred to TasWater on 21 October 2024. A response was received on 8 November 2024 advising that the development is not required to connect to TasWater's water supply system, and the existing water property connection at 108 McKays Road, currently connected to TasWater’s bulk transfer main must be disconnected by TasWater at developer’s cost.

The application was referred to Conservation Assessments and Wildlife Services at NRE Tas on 21 October 2024. The response received on 14 November 2024 did not object to the proposal but made comments which have been included as notes on the permit.

The application did not require any other external referrals.

PLANNING ASSESSMENT

The subject site is zoned Rural Living under the *Tasmanian Planning Scheme - Waratah-Wynyard*. According to Clause 6.2.6 of the Planning Scheme, development for subdivision does not need to be categorised into a Use Class.

The proposal does not meet all of the Acceptable Solutions for Development Standards. Therefore, a discretionary application is made under s57 of the *Land Use Planning & Approvals Act 1993* (LUPAA) and assessed under the *Tasmanian Planning Scheme – Waratah-Wynyard* and relevant State Policies and Acts. Section 57(1)(b) of LUPAA allows Council to relax or waive the provisions of its Planning Scheme under a discretionary status.

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

11.4.1 Site coverage

<p>A1 The site coverage must be not more than 400m².</p>	<p>P1 The site coverage must be consistent with that existing on established properties in the area, having regard to:</p> <ul style="list-style-type: none">(a) the topography of the site;(b) the capacity of the site to absorb runoff;(c) the size and shape of the site;(d) the existing buildings and any constraints imposed by existing development;
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	(e) the need to remove vegetation; and (f) the character of development existing on established properties in the area.
<p>Proposal: Complies</p> <p>Proposed Lots 5 and 11 contain existing buildings. The total site coverage of buildings on Lot 11 exceeds 400m² and the proposal involves concentrating this existing development on a smaller lot. Assessment against P1 is therefore required.</p> <p>All development on Lot 11 is existing. Council's Engineering Department has requested a condition to be included on any permit issued requiring all stormwater generated by the development to be fully contained within the respective boundaries of each lot. According to Council records, the existing wastewater system for the dwelling on Lot 11 is within the proposed new title boundaries.</p> <p>As all development on the site is existing and there are no additional buildings proposed as part of this application, the visual impact posed by the size and number of buildings on Lot 11 on the surrounding area will remain largely unchanged. The adjoining property at 107 McKays Road as well as several properties (including numbers 1, 2, 3, 4 and 8 Newhaven) in the adjacent subdivision along Newhaven Drive contain development with site coverage exceeding 400m².</p> <p>This proposal complies with P1 for this Standard.</p>	

11.5.1 Lot design

<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) have an area not less than specified in Table 11.1 and:</p> <p>(i) be able to contain a minimum area of 15m x 20m clear of:</p> <p>a. all setbacks required by clause 11.4.2 A2 and A3; and</p> <p>b. easements or other title restrictions that limit or restrict development; and</p> <p>(ii) existing buildings are consistent with the setback required by clause 11.4.2 A2 and A3;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	<p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <p>(a) the relevant requirements for development of existing buildings on the lots;</p> <p>(b) the intended location of buildings on the lots;</p> <p>(c) the topography of the site;</p> <p>(d) any natural or landscape values;</p> <p>(e) adequate provision of private open space; and</p> <p>(f) the pattern of development existing on established properties in the area, and must be no more than 20% smaller than the applicable lot size required by clause 11.5.1 A1.</p>
<p>Proposal: Complies</p> <p>Proposed Lots 4 – 6, 8 and 11 are capable of containing a 15m x 20m building area compliant with A1(a)(i) and existing buildings on Lots 5 and 11 comply with A1(a)(ii). Proposed Lots 1 – 3, 7, 9 and 10 have areas less than the 1ha specified in Table 11.1 and require assessment against P1 for this Clause.</p> <p>Council as a Planning Authority can consider lots on a plan of subdivision which are less than 1ha provided the lots comply with each of P1(a)-(f) and are not less than 8000m².</p> <p>Each of the proposed Lots 1 – 3, 7, 9 and 10 are intended for residential use. The plan of subdivision and bushfire hazard management plan submitted with the application demonstrate that each lot</p>	

<p>can contain a 15m x 20m building envelope clear of applicable boundary setbacks and capable of achieving a suitable BAL rating. The hazard management areas associated with each lot do not require any clearing of trees within areas of the site mapped as a priority vegetation area.</p> <p>Lots 9 and 10 are also subject to a landslip risk. The geotechnical investigation undertaken by Tasman Geotechnics concludes that a tolerable level of risk can be achieved for future development of these lots. The report also states that each lot is of sufficient size to accommodate an on-site wastewater treatment system adequate for future residential development. Lots 3 and 7 are restricted to secondary treatment systems whilst Lots 1-2, 9 and 10 may have either a primary or secondary treatment system.</p> <p>There is sufficient space remaining on each lot for private open space clear of required building and bushfire hazard management areas and servicing requirements for onsite wastewater management.</p> <p>Lots 1 – 3, 7, 9 and 10 each have an area greater than the absolute minimum lot size in Rural Living Zone of 8,000m² and are consistent in size and shape with established properties in the adjacent subdivision at Newhaven Drive. Of the 18 lots in the street, 11 are less than 1ha in area, varying from 7784m² (7 Newhaven Drive) to 9741m² (9 Newhaven Drive). Many of the lots are irregular in shape, including some internal lots.</p> <p>The subject site is not within a mapped scenic protection area and is not of any significant landscape value under the planning scheme. In terms of natural values, several unnamed creeks traverse the site and LISTmap identifies the presence of Burnie Burrowing Crayfish (<i>Engaeus yabbimunna</i>), a listed vulnerable species, in these creeks.</p> <p>There is sufficient space on each proposed lot for residential development clear of the creek and crayfish habitat. A natural values assessment prepared by suitably qualified persons at ECOTas was submitted with the application. The assessment concluded that the subdivision is not considered to constitute a significant impact on the crayfish population within the meaning of the applicable acts. No specific permit conditions in relation to natural values were recommended by the assessment.</p> <p>The application was referred to the Conservation Assessments and Wildlife Services at NRE Tas. The response from NRE Tas stated that they did not object to the proposal but made comments which will be included where appropriate as notes on any permit issued.</p> <p>In this manner, Lots 1 – 3, 7, 9 and 10 comply with P1 for this Standard.</p>	
<p>A2 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 40m.</p>	<p>P2 Each lot, or a lot proposed in a plan of subdivision, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</p> <ul style="list-style-type: none"> (a) the width of frontage proposed, if any; (b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access; (c) the topography of the site; (d) the functionality and useability of the frontage; (e) the ability to manoeuvre vehicles on the site; and (f) the pattern of development existing on established properties in the area, and is not less than 3.6m wide.
<p>Proposal: Complies</p>	

The subject site is an irregularly shaped lot which has frontage onto the current end of McKays Road. The frontage is in two sections either side of the existing accesses for 103 and 107 McKays Road, these properties are large internal lots with access strips approximately 250m long onto McKays Road.

The frontage north of the access strips for 103 and 107 McKays Road has a width of 7.9m. To the south the site has additional frontage of 13.8m.

As outlined above in the 'Background' section of the report, a boundary adjustment was approved under DA 118/2024 to adhere a portion of 1 Newhaven Drive to 108 McKays Road to facilitate additional frontage. The final plans for this boundary adjustment have been signed and sealed by Council and are with the Land Titles office.

A summary of the proposed access arrangements for each lot is shown in the table below.

Lot No.	Frontage	Width
1	McKays Road extension	177m
2	McKays Road extension	85m
3	McKays Road extension	63m
4	McKays Road extension	177m
5	McKays Road (reciprocal R.O.W with Lots 6 & 7)	4.6m
6	McKays Road (reciprocal R.O.W with Lots 6 & 7)	4.6m
7	McKays Road (reciprocal R.O.W with Lots 6 & 7)	4.6m
8	McKays Road extension	163m
9	McKays Road extension	6.6m
10	McKays Road extension	6.8m
11	McKays Road extension	17m

Proposed Lots 5 – 7 and 9 – 11 require assessment against P1 for this Clause as the width of frontage for these lots is less than 40m.

Due to the location of established lots at 103 and 107 McKays Road, and the position of the subject site at the end of McKays Road, any subdivision of the 15.6ha subject site is likely to involve the creation of internal lots and/or lots with less than 40m frontage.

Areas of the site are subject to low and medium risks of landslip and there are several creeks crossing through the property. The topography of the site as well as the location of established lots at 103 and 107 McKays road necessitates access from both the northern side and southern side of McKays Road.

A Traffic Impact Assessment (TIA) undertaken by a suitably qualified traffic engineer was submitted with the application. The TIA advises that the subdivision layout and access arrangements for the proposed lots are sufficient for their intended residential use. Each lot has adequate sight distance for the topography and traffic activity in the area.

The TIA also reviewed the potential access for Lots 5 - 7 onto the new section of McKays Road via a right of way over the access strips for 103 and 107 McKays Road and determined that traffic operation where the Rights of Way intersect is assessed to be safe.

Council's Engineering Department has undertaken an assessment of the proposed access arrangements as well as a review of the submitted TIA and has determined that the width and location of access onto McKays Road, from both the existing section and proposed extension, is

sufficient to cater for the amount of traffic likely to be generated by existing and future development on each of the proposed lots.

Each of the lots exceeds the absolute minimum width of 3.6m and has access directly onto McKays Road. Lots 5 – 7 have reciprocal rights of way with each other but retain direct road frontage. The proposed extension to McKays Road has been designed to maximise the frontage for each lot whilst retaining a suitable lot yield. A similar arrangement exists in the adjacent subdivision at Newhaven Drive, which terminates in a cul-de-sac with a combination of narrow frontage lots and some internal blocks.

The proposal complies with P2 for this Standard.

11.5.2 Roads

<p>A1 The subdivision includes no new roads.</p>	<p>P1 The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety, convenience and legibility for vehicles, having regard to: (a) any relevant road network plan adopted by the council; (b) the existing and proposed road hierarchy; (c) maximising connectivity with the surrounding road network; (d) appropriate access to public transport; and (e) access for pedestrians and cyclists.</p>
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Proposal: Complies

The subject site is an irregularly shaped lot which has frontage onto the current end of McKays Road. The proposal will extend the length of McKays Road by approximately 500m, terminating in a cul-de-sac.

The frontage of the site is in two sections either side of the existing accesses for 103 and 107 McKays Road, these properties are large internal lots with access strips approximately 250m long onto McKays Road. The frontage north of the access strips for 103 and 107 McKays Road has a width of 7.9m. To the south the site has additional frontage of 13.8m.

Proposed Lots 1 -4 and 8 – 11 will have frontage onto an extension to McKays Road, terminating in a cul-de-sac. The extension is from the northern side of the existing road. Lots 5 – 7 will be accessed from the southern side of the existing McKays Road. It is also proposed to provide these lots with a second access onto the new section of McKays Road via a right of way over the access strips for 103 and 107 McKays Road.

A Traffic Impact Assessment (TIA) undertaken by a suitably qualified traffic engineer was submitted with the application. The TIA confirms that the dimensions of the road extension are sufficient to provide rural property access to LGAT Rural Sealed Road Standard S3, which allows for a sealed width of 5.5m with 0.5m wide gravel shoulders. This standard is also suitable for firefighting access for typical 8.8m long rigid firefighting trucks.

The bushfire hazard management report and plan submitted with the application states that the road extension is capable of meeting minimum access requirements for firefighting vehicles, provided it is constructed to the relevant Australian Standards. Compliance with the submitted bushfire report and plan will be a condition of any permit issued.

Traffic approaching the end of McKays Road already slows due to the narrow 3m width of the single lane bridge, approximately 25m before the current end of the road. The TIA recommends that Narrow Bridge and Hazard Markers be installed on the eastern approach to the bridge to further assist road users. No formal speed limit changes are otherwise recommended.

Council’s Engineering Department has undertaken an assessment of the new road section as well as a review of the submitted TIA. It is considered that the proposed road extension provides adequately for traffic safety and transport efficiency and will have a negligible impact on McKays Road, the junction with the Bass Highway and the remainder of the adjacent road network.

There is no provision for cyclists or pedestrians for rural roads and the subject site and surrounding properties are outside the existing and likely future public transport network.

The subdivision layout with road extension provides an appropriate level of access connectivity, safety, convenience and legibility for vehicles.

The proposal complies with P2 for this Standard.

11.5.3 Services

<p>A2 Each lot, or a lot proposed in a plan of subdivision, excluding within Rural Living Zone C or Rural Living Zone D or for public open space, a riparian or littoral reserve or Utilities, must:</p> <ul style="list-style-type: none"> (a) be connected to a reticulated sewerage system; or (b) be connected to a reticulated sewerage system if the frontage of each lot is within 30m of a reticulated sewerage system and can be connected by gravity feed. 	<p>P2 Each lot, or a lot proposed in a plan of subdivision, excluding within Rural Living Zone C or Rural Living Zone D or for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.</p>
<p>Proposal: Complies</p> <p>The subject site is not located in a sewer serviced area. A preliminary on-site wastewater evaluation prepared by Tasman Geotechnics was submitted with the application. The conclusions of the assessment are that each of the proposed lots have sufficient space clear of the building area nominated by the bushfire hazard and landslip hazard risk assessments for the disposal of domestic effluent. Lots 3 and 7 are restricted to secondary treatment systems whilst Lots 1-2, 9 and 10 may have either a primary or secondary treatment system.</p> <p>In this manner, the proposal complies with P2 for this Standard.</p>	

C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction

<p>A1.1 For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:</p> <ul style="list-style-type: none"> (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing. <p>A1.2 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.</p> <p>A1.3 For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.</p>	<p>P1 Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <ul style="list-style-type: none"> (a) any increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature of the road; (d) the speed limit and traffic flow of the road; (e) any alternative access to a road; (f) the need for the use; (g) any traffic impact assessment; and (h) any advice received from the rail or road authority.
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<p>A1.4 Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than: (a) the amounts in Table C3.1; or (b) allowed by a licence issued under Part IVA of the <i>Roads and Jetties Act 1935</i> in respect to a limited access road.</p> <p>A1.5 Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>	
<p>Proposal: Complies</p> <p>Acceptable Solution A1.1 does not apply to the application as the proposal does not involve a category 1 or limited access road. The proposal does not comply with A1.2 and A1.4 and requires assessment against P1 for this Standard.</p> <p>The subject site is an irregularly shaped Rural Living lot of suitable size for subdivision and there is no alternative entry or exit from the property.</p> <p>A Traffic Impact Assessment (TIA) undertaken by a suitably qualified traffic engineer was submitted with the application. The TIA calculates the increase in traffic to McKays Road to be 66 vehicles per day and concludes that the McKays Road is of adequate standard and has capacity to cater for the increase in traffic generated by the subdivision.</p> <p>Although an application for subdivision is not required to be categorised into a use category under the Planning Scheme, the proposed lots are intended for residential use. Traffic generated by the lots once developed will be mostly light vehicles with some rigid delivery trucks which can negotiate the internal road safely and efficiently.</p> <p>The current speed limit along McKays Road is 50km/h which is considered appropriate for the proposal. No speed limit changes are recommended by the TIA. The report states that the proposal will not significantly impact operation of the adjacent road network and concludes that traffic will continue to operate safely and efficiently on McKays Road, provided the recommendations included in the TIA are implemented.</p> <p>Compliance with the recommendations contained in the TIA will be a condition of any permit issued.</p> <p>In this manner, the proposal complies with P1 for this Standard.</p>	

C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area

<p>A1 Buildings and works within a waterway and coastal protection area must: (a) be within a building area on a sealed plan approved under this planning scheme; (b) in relation to a Class 4 watercourse, be for a crossing or bridge not more than 5m in width; or (c) if within the spatial extent of tidal waters, be an extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway that is not more than 20% of the area of the facility existing at the effective date.</p>	<p>P1.1 Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to: (a) impacts caused by erosion, siltation, sedimentation and runoff; (b) impacts on riparian or littoral vegetation; (c) maintaining natural streambank and streambed condition, where it exists; (d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</p>
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	<ul style="list-style-type: none"> (e) the need to avoid significantly impeding natural flow and drainage; (f) the need to maintain fish passage, where known to exist; (g) the need to avoid land filling of wetlands; (h) the need to group new facilities with existing facilities, where reasonably practical; (i) minimising cut and fill; (j) building design that responds to the particular size, shape, contours or slope of the land; (k) minimising impacts on coastal processes, including sand movement and wave action; (l) minimising the need for future works for the protection of natural assets, infrastructure and property; (m) the environmental best practice guidelines in the <i>Wetlands and Waterways Works Manual</i>; and (n) the guidelines in the <i>Tasmanian Coastal Works Manual</i>.
<p>Proposal: Complies</p> <p>The plan of subdivision and bushfire hazard management plan submitted with the application demonstrate that neither the hazard management areas associated with the identified building areas for each lot or road construction require works within the mapped waterway and coastal protection area.</p> <p>The only works requiring assessment against Performance Criteria P1.1 for this clause are minor and associated with providing access to Lots 5 – 7. The subdivision will utilise existing culverts where crossing waterways is required. However, access into Lots 5-7 will require a new culvert to be installed.</p> <p>Several unnamed creeks traverse the site and LISTmap identifies the presence of Burnie Burrowing Crayfish (<i>Engaeus yabbimunna</i>), a listed vulnerable species, in these creeks. A natural values assessment prepared by suitably qualified persons at ECOtas was submitted with the application. The site assessment by ECOtas advised that the watercourse coinciding with the access for Lots 5 – 7 is ephemeral with minimal flow.</p> <p>The report advised that the works required to facilitate access will not impede water flow and will not negatively impact any listed crayfish species habitat. The installation of a culvert will not involve any landfilling of wetlands, significant cut or fill or removal of native plants.</p> <p>Although the ECOtas assessment is based on Lots 5 – 7 being accessed from the new section of McKays Road across land owned by 103 and 107 McKays, the same watercourse will require crossing if access is from the existing end of McKays Road and the description of the watercourse as ephemeral in nature still applies. The conclusion that the proposal will not have an unnecessary or unacceptable impact on natural assets is supported for both access options for Lots 5 – 7.</p> <p>Regarding the potential for runoff and sedimentation, the following condition will be imposed on any permit issued:</p> <ul style="list-style-type: none"> • Erosion and sediment control measures that meet the reasonable requirements of the Director Infrastructure & Development Services or their delegate are to be implemented and maintained during the course of development to minimise downstream sediment 	

transfer, particularly with respect to watercourses, stormwater outlets and disturbed ground.

It also a requirement that designs for infrastructure, including culverts, be certified by a Chartered Professional Engineer in the relevant field, and submitted to the Director Infrastructure & Development Services for approval prior to construction commencing.

The application was referred to the Conservation Assessments and Wildlife Services at NRE Tas. The response from NRE Tas stated that they did not object to the proposal but made comments which will be included where appropriate as notes on any permit issued.

The proposal complies with P1.1 for this Standard.

C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area

<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must:</p> <ul style="list-style-type: none"> (a) be for the creation of separate lots for existing buildings; (b) be required for public use by the Crown, a council, or a State authority; (c) be required for the provision of Utilities; (d) be for the consolidation of a lot; or (e) not include any works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within a waterway and coastal protection area or future coastal refugia area. 	<p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must minimise adverse impacts on natural assets, having regard to:</p> <ul style="list-style-type: none"> (a) the need to locate building areas and any associated bushfire hazard management area to be outside a waterway and coastal protection area or a future coastal refugia area; and (b) future development likely to be facilitated by the subdivision.
<p>Proposal: Complies</p> <p>The plan of subdivision and bushfire hazard management plan submitted with the application demonstrate that neither the hazard management areas associated with the identified building areas for each lot or road construction require works within the mapped waterway and coastal protection area.</p> <p>Several unnamed creeks traverse the site and LISTmap identifies the presence of Burnie Burrowing Crayfish (<i>Engaeus yabbimunna</i>), a listed vulnerable species, in these creeks. The subdivision will utilise existing culverts where crossing waterways is required. However, access into Lots 5, 6 and 7 will require a new culvert to be installed.</p> <p>A natural values assessment prepared by suitably qualified persons at ECOtas was submitted with the application. The site assessment by ECOtas advised that the watercourse coinciding with the access for Lots 5 – 7 is ephemeral with minimal flow. The report advised that the works required to facilitate access will not impede water flow and will not negatively impact any listed crayfish species habitat.</p> <p>Although the ECOtas assessment is based on Lots 5 – 7 being accessed from the new section of McKays Road across land owned by 103 and 107 McKays, the same watercourse will require crossing if access is from the existing end of McKays Road and the description of the watercourse as ephemeral in nature still applies. The conclusion that the proposal will not have an unnecessary or unacceptable impact on natural assets is supported for both access options for Lots 5 – 7.</p> <p>The application was referred to the Conservation Assessments and Wildlife Services at NRE Tas. The response from NRE Tas stated that they did not object to the proposal but made comments which will be included where appropriate as notes on any permit issued.</p>	

The following notes will be included on any permit issued:

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

The proposal complies with P1 for this Standard.

C7.7.2 Subdivision within a priority vegetation area (P1.1, P1.2)

<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must:</p> <ul style="list-style-type: none">(a) be for the purposes of creating separate lots for existing buildings;(b) be required for public use by the Crown, a council, or a State authority;(c) be required for the provision of Utilities;(d) be for the consolidation of a lot; or(e) not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area.	<p>P1.1</p> <p>Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must be for:</p> <ul style="list-style-type: none">(a) subdivision for an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmania Fire Service or an accredited person;(b) subdivision for the construction of a single dwelling or an associated outbuilding;(c) subdivision in the General Residential Zone or Low Density Residential Zone;(d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;(e) subdivision involving clearance of native vegetation where it is demonstrated that on-going preexisting management cannot ensure the survival of the priority vegetation and there is little potential for long term persistence; or(f) subdivision involving clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site. <p>P1.2</p> <p>Works association with subdivision within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:</p> <ul style="list-style-type: none">(a) the design and location of any works, future development likely to be facilitated by the subdivision, and any constraints such as topography or land hazards;(b) any particular requirements for the works and future development likely to be facilitated by the subdivision;(c) the need to minimise impacts resulting from bushfire hazard management measures through siting and fire-resistant design of any future habitable buildings;(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;
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	(e) any on-site biodiversity offsets; and (f) any existing cleared areas on the site.
<p>Proposal: Complies</p> <p>The subject site is partially covered by a priority vegetation area but is largely cleared of vegetation. The plan of subdivision and bushfire hazard management plan submitted with the application demonstrate that neither the hazard management areas associated with the identified building areas for each lot or road construction require clearing of trees in mapped priority vegetation areas.</p> <p>The proposal complies with P1.1(f) for this Standard.</p> <p>A natural values assessment prepared by suitably qualified persons at ECOtas was submitted with the application. The assessment advised that no flora of concern would be affected by the development, with the only potentially relevant priority vegetation being a small section of <i>Melaleuca ericifolia</i> swamp forest (TASVEG code: NME) in an area not requiring clearing.</p> <p>Several unnamed creeks traverse the site and LISTmap identifies the presence of Burnie Burrowing Crayfish (<i>Engaeus yabbimunna</i>), a listed vulnerable species, in these creeks. The ECOtas report states that the limited flora contained within the nominated building envelopes for the subdivision does not support significant habitat for this species and concludes that the subdivision design is consistent with the intent of P1.2(a) to (f).</p> <p>The subdivision will utilise existing culverts where crossing waterways is required. However, access into Lots 5, 6 and 7 will require a new culvert to be installed.</p> <p>The site assessment by ECOtas advised that the watercourse coinciding with the access for Lots 5 – 7 is ephemeral with minimal flow. Although the ECOtas assessment is based on Lots 5 – 7 being accessed from the new section of McKays Road across land owned by 103 and 107 McKays, the same watercourse will require crossing if access is from the existing end of McKays Road and the description of the watercourse as ephemeral in nature still applies. The report advised that the works required to facilitate access will not impede water flow and will not negatively impact any listed crayfish species habitat.</p> <p>The application was referred to the Conservation Assessments and Wildlife Services at NRE Tas. The response from NRE Tas stated that they did not object to the proposal but made comments which will be included where appropriate as notes on any permit issued.</p> <p>The proposal complies with P1.2 for this Standard.</p>	

C15 Landslip Hazard Code

Proposed Lots 4, 6, and 8 – 11 as well as the McKays Road extension are subject to either low or medium risks of landslip under the Planning Scheme.

C15.6.1 Building and works within a landslip hazard area (P1.1, P1.2)

A1 No Acceptable Solution.	P1.1 Building and works within a landslip hazard area must minimise the likelihood of triggering a landslip event and achieve and maintain a tolerable risk from landslip, having regard to: (a) the type, form, scale and intended duration of the development; (b) whether any increase in the level of risk from a landslip requires any specific hazard reduction or protection measures;
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	<p>(c) any advice from a State authority, regulated entity or a council; and</p> <p>(d) the advice contained in a landslip hazard report.</p> <p>P1.2 A landslip hazard report also demonstrates that the buildings and works do not cause or contribute to landslip on the site, on adjacent land or public infrastructure.</p>
<p>Proposal: Complies</p> <p>A landslide risk assessment prepared by suitably qualified persons from Tasman Geotechnics was undertaken on the site and a copy of the resulting report submitted with the application. The documents submitted meet the requirements for a landslip hazard report as defined by the Planning Scheme.</p> <p>The report states that the proposed development can achieve and maintain a tolerable risk from landslide having regard to the type, form, scale and intended duration of the development. There will be no increase in the level of risk from a landslip as a result of the development which would require specific hazard reduction or protection measures. Proposed works are not expected to cause or contribute to landslip on the site, on adjacent land or public infrastructure. No landslip reduction or protection measures are required beyond the boundaries of the site.</p> <p>Compliance with the recommendations contained in the landslide risk assessment will be a condition of any permit issued.</p> <p>In this manner, the proposal complies with P1.1 and P1.2 for this Standard.</p>	

C15.7.1 Subdivision within a landslip hazard area

<p>A1 Each lot, or a lot proposed in a plan of subdivision, within a landslip hazard area, must:</p> <p>(a) be able to contain a building area, vehicle access, and services, that are wholly located outside a landslip hazard area;</p> <p>(b) be for the creation of separate lots for existing buildings;</p> <p>(c) be required for public use by the Crown, a council or a State authority; or</p> <p>(d) be required for the provision of Utilities.</p>	<p>P1 Each lot, or a lot proposed in a plan of subdivision, within a landslip hazard area must not create an opportunity for use or development that cannot achieve a tolerable risk from landslip, having regard to:</p> <p>(a) any increase in risk from a landslip for adjacent land;</p> <p>(b) the level of risk to use or development arising from an increased reliance on public infrastructure;</p> <p>(c) the need to minimise future remediation works;</p> <p>(d) any loss or substantial compromise, by a landslip, of access to the lot on or off site;</p> <p>(e) the need to locate building areas outside the landslip hazard area;</p> <p>(f) any advice from a State authority, regulated entity or a council; and</p> <p>(g) the advice contained in a landslip hazard report.</p>
<p>Proposal: Complies</p>	

A landslide risk assessment prepared by suitably qualified persons from Tasman Geotechnics was undertaken on the site and a copy of the resulting report submitted with the application. The documents submitted meet the requirements for a landslip hazard report as defined by the Planning Scheme.

According to the assessment by Tasman Geotechnics, the proposed subdivision works will not result in any increase in risk from a landslip for adjacent land and future remediation works will not be required, provided the report recommendations are followed. Increases in traffic and stormwater flows will not materially increase the risk of landslip at the site or surrounds and the proposed development presents no significant risk of loss or substantial compromise of access by landslip to McKays Road.

There is sufficient space on each proposed lot to construct a dwelling outside mapped landslip areas, however the assessment concludes that a tolerable level of risk can be achieved should future buildings be constructed within mapped landslip areas, provided the report recommendations are followed. No landslip reduction or protection measures will be required beyond the boundaries of the site.

Compliance with the recommendations contained in the landslide risk assessment will be a condition of any permit issued.

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

STATUTORY IMPLICATIONS

Land Use Planning and Approvals Act 1993

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

In accordance with section 57 of this Act and Council's Planning Scheme, this proposal is an application for a discretionary permit. Council may approve or refuse discretionary permit applications after considering both Council's Planning Scheme and the public representations received. It is noted that two (2) representations were received during the exhibition period.

Local Government (Building & Miscellaneous Provisions) Act 1993

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

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

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

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

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

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

COMMENT

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

It is considered that the proposed subdivision complies with either the acceptable solution or satisfies the performance criteria for all applicable standards of the Planning Scheme. The proposal makes efficient use of an irregularly shaped rural residential lot taking into consideration the landslip hazard, creeks and threatened species present on the site. Each of the proposed lots contain a suitable building area capable of achieving BAL-19 and clear of setback requirements from title boundaries and code overlays. 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 Rural Living Zone provisions and applicable codes for the *Tasmanian Planning Scheme - Waratah-Wynyard* 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.

MOVED BY	CR HYLAND
SECONDED BY	CR ROBERTS

That Council, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Tasmanian Planning Scheme - Waratah-Wynyard* grant approval for a Staged Subdivision (2 into 11 lots) and Road Extension at 108 McKays Road, Somerset subject to the following conditions: -

PART A CONDITIONS:

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1. The development is to be generally in accordance with the application as submitted and endorsed documents as listed:
 - a. Subdivision plan with Project Number: 52668 and Sheet Number: 3 as prepared by PDA Surveyors and dated 24 September 2024.
 2. Stormwater from the development is to be fully contained within the boundaries of the property.
 3. The development is to be in accordance with the recommendations contained in the Geotechnical Investigation and Landslide Risk Assessments with Reference Numbers TG21084/3 as prepared by Nev Vander slink of Tasman Geotechnics and dated 23 September 2024.
 4. The development is to be in accordance with the submitted Bushfire Hazard Management Plan as prepared by Scott Livingstone of Livingstone Natural Resources Services and dated 27 September 2024.
 5. The development is to be in accordance with the recommendations contained in the Traffic Impact Assessment prepared by Richard Burke of Traffic & Civil Services and dated 26 September 2024.
 6. The development is to be in accordance with the recommendations contained in the Natural Values Assessment prepared by Mark Wapstra of ECOtas and dated 6 September 2024.
 7. 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.
 8. In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
 9. 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.
 10. Relevant engineering plans, specifications, calculations and computations are to be certified by a Chartered Professional Engineer in the relevant field and submitted to the Director Infrastructure & Development Services or their delegate or their delegate for approval. No work is to commence until a Construction Certificate has been issued by the Director Infrastructure & Development Services or their delegate.
 11. On completion of work covered by a Construction Certificate a Chartered Professional Engineer in the relevant field is to certify by declaration that all work has been carried out fully in accordance with the approved plans, specifications, calculations and computations. "Works as Constructed" drawings that comply with the requirements of Council's "Submission of digital-as-constructed information" template are to be supplied.
 12. A twelve (12) month maintenance period is to apply to all works within the development which are to become Council infrastructure. A maintenance bond of 5% of the cost of the civil works as approved by the Director Infrastructure & Development Services or their delegate is to be lodged with Council prior to:

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- (a) the issue of the Maintenance Period Commencement document; or
- (b) prior to the sealing of the Final Survey Plan
13. A driveway with a sealed surface is to be constructed for Lots 1 to 11, from the edge of the bitumen surfaced pavement of the end of McKays Road to the property boundary in accordance with Tasmanian Standard Drawing TSD-R03-v3, Rural Roads Typical Property Access & TSD-R04-v3, Rural Roads Typical Driveway Profile and the conditions in a “Activity in Road Reservation Permit”.
 14. Before sealing of the Final Plan, all disturbed surfaces on the land except those set aside for roadways, footways and driveways are to be covered with top soil and seeded and, where appropriate, re-vegetated and stabilized to the reasonable requirements of the Director Infrastructure & Development Services or their delegate.
 15. If the development requires work within a road reservation, the applicant is to obtain from Council a “Activity in Road Reservation Permit” before any site work commences. The Permit conditions may require lodgement of a bond as surety against damage to Council’s infrastructure.
 16. Cross road culvert pipes are to be provided at low points in the road alignment and at intervals no greater than 200 metres. The culvert spacing is to be reduced to 100-metre intervals where the longitudinal grade of the road exceeds 10%.
 17. Erosion and sediment control measures that meet the reasonable requirements of the Director Infrastructure & Development Services or their delegate are to be implemented and maintained during the course of development to minimise downstream sediment transfer, particularly with respect to watercourses, stormwater outlets and disturbed ground.
 18. Excluding the narrowing point of 7.9m at the immediate extension of McKays Road as detailed on Subdivision plan with Project Number: 52668 (and Sheet Number: 3 as prepared by PDA Surveyors and dated 24 September 2024) a 15-metre wide road reservation, with lot boundaries splayed where necessary is to be provided and shown as “Road” on the final survey plan lodged for sealing.
 19. The internal subdivision road is to be of compacted crushed rock pavement, designed in accordance with the Austroads Pavement Design Guidelines, with a sealed pavement width of 6 metres and 0.5m shoulders either side, a minimum total pavement thickness of 300mm plus a minimum two coat bitumen spray coat seal and adequately sized table drains, all in accordance with the Tasmanian Standard Drawing TSD-R02-v3, Rural Roads Sealed. Construction is to satisfy the reasonable requirements of the Director Infrastructure & Development Services.
 20. 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.
 21. The applicant is to supply and install traffic management devices that include, but are not limited to, signage and line marking in accordance with the suite of AS 1742 standards and which meet the requirements of Department of State Growth. Before a Construction Certificate may be issued, the applicant or his designer is to prepare a

set of traffic management drawings that are to be submitted to and approved by Department of State Growth.

22. A court bowl of radius 12 metres, to suit recommendations from Bushfire Requirements and otherwise in accordance with Tasmanian Standard Drawing TSD-R08-v3, Typical Cul-De-Sac Details Urban and Rural is to be provided at the termination of the internal road to facilitate the turning movement of large service vehicles. Construction is to be of equivalent standard to the internal road.
23. Underground/overhead power is to be provided to each lot in the development in accordance with the requirements of TasNetworks and LGAT - Tasmanian Standard Drawings and Specifications.
24. Before site disturbance or construction commences, a plan of management is to be prepared and submitted for approval by the Director Infrastructure & Development Services or their delegate or their delegate. The plan is to provide relevant project management information and outline proposed construction practices, including, but not limited to:
 1. Contact details for principal, consultants and contractors including after hours numbers;
 2. Traffic management plan including road works signage;
 3. Proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken on site);
 4. 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;
 5. Site facilities to be provided; and
 6. Procedures for washing down vehicles to prevent soil and debris being carried onto the street.
25. A Final Survey Plan submitted for sealing by the Council is to show all easements required for powerlines, sewerage, water, drainage purposes and legal access.

PART B CONDITIONS:

1. The existing water property connection at 108 McKays Road, currently connected to TasWater's bulk transfer main is to be disconnected by TasWater at the developer's cost.

Notes: -

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

- An "Activity in Road Reservation" permit must be obtained from Council for all activity within the Road Reservation.
- This project must be substantially commenced within two years of the issue of this permit.
- This permit is based on information and particulars set out in Development Application SD 2208. 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*.

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- Works within the proximity of wetlands and waterways must comply with the legislation, policies and guidelines set out in the *NRE Wetlands and Waterways Works Manual* (Wetlands and Waterways Works Manual | Department of Natural Resources and Environment Tasmania (nre.tas.gov.au)).
 - If any Burrowing Crayfish or other listed species are likely to be impacted by the proposal, a permit to take under the *Threatened Species Protection Act 1995* and/or the *Nature Conservation Act 2002*, respectively, will be required. Please note that the processing of permit applications may take up to four weeks. Information on applying for a permit, including application forms, can be found on the NRE website: Permit to Take Threatened Species (for Consultants & Development-related Activities) | Department of Natural Resources and Environment Tasmania (nre.tas.gov.au)
 - Further assessment of Burrowing Crayfish will be required should the design of the subdivision be altered and/or as blocks are developed.
 - Attention is drawn to existing or proposed electricity infrastructure, please be sure to contact TasNetworks on 1300 137 008 to ensure these works do not impede on existing electricity easements and are at a safe distance from powerlines. Failure to do so could result in the relocation of electricity assets at your cost.
 - A further fee is required for the signing and sealing of Final and Strata Plans. Please refer to Council’s website for current Planning fees.
 - 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 Tasmanian Civil & Administrative Tribunal (TASCAT), G.P.O. Box 2036, Hobart, 7001 (<mailto:resourceplanning@tascat.tas.gov.au>). Updated Notices of Appeal are available on the Tribunal’s website at <https://www.tascat.tas.gov.au/>.




The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

6.4 STAGED MULTIPLE DWELLINGS & OUTBUILDINGS (UNITS X 8, OUTBUILDINGS X 8) AT 5A MILLPOND COURT, WYNYARD - DA 112/2024

To: Council
Reporting Officer: Town Planner
Responsible Officer: Acting General Manager
Report Date: 27 November 2024
File Reference: 9462712
Supporting Documents:

1. Consolidated advertised documents 
2. Consolidated representations 
3. TasWater Submission to Planning Authority Notice 

PURPOSE

The purpose of this report is for Council to consider the merits of the application DA 112/2024 against the requirements of the *Tasmanian Planning Scheme - Waratah-Wynyard* (Planning Scheme).

BACKGROUND

The subject site is located at 5A Millpond Court, Wynyard, and has an area of 8,888m². It is an irregular shaped lot and is currently vacant. It is located within the General Residential Zone and has two frontages, to the north and west, both onto Millpond Court.

The property adjoins a reserved road to the east and southeast, 1 and 3 Millpond Court to the northeast, 5B Millpond Court to the northwest, 13, 15, 17 and 19 Millpond Court along the western boundary, and 21B and 23 Millpond Court to the southwest.

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

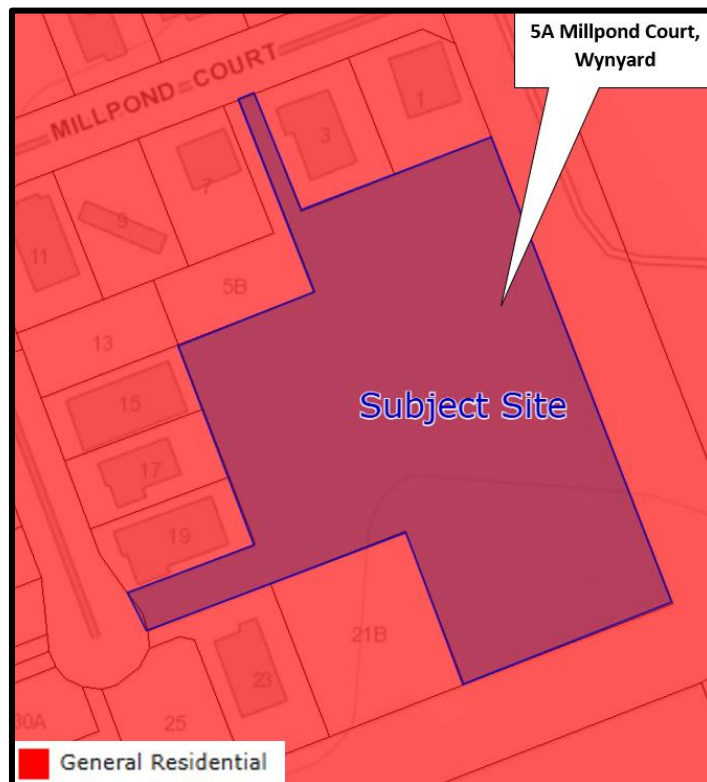


Figure 1. Subject Site with Zoning

DETAILS

The applicant is seeking approval for multiple dwelling development at the property currently identified as 5A Millpond Court, Wynyard.

The development consists of 8 individual units with an associated outbuildings for each unit, 8 in total and associated earthwork with retaining walls.

The proposal includes five different dwelling types. Each of these contains a combined kitchen/dining/living area, three bedrooms, the main with an ensuite, a laundry, verandah/alfresco and outdoor private open space area. The details are provided as follows:

Dwelling type	Total floor area (including alfresco/verandah)	Rumpus	Internal access garage	Parking spaces
1 & 2	148.04m ²	No	No	2
3 & 7	146.52m ²	No	No	2
4 & 6	148.04m ²	No	No	2
5	146.52m ²	No	No	2
8	318.85m ²	Yes	Yes	2

Each dwelling is clad in weatherboard and roofed with Colorbond with a maximum height by not more than 5m, except for dwelling 8 which has a maximum height of 7.8m.

The proposed dwellings will have minimum setback of at least 3m from all side boundaries and 5m from the rear boundaries of lots with adjoining frontages to the north (1 and 3 Millpond Court). However, Unit 4 is to be setback 3m from the rear boundaries of lots with adjoining western frontage (13, 15, 17 and 19 Millpond Court).

The development includes the construction of a new shared driveway and circulation spaces.

There is no requirement to screen any windows within the proposed units as the entire windows in habitable room(s) are separated more than 2.5m from the shared driveway which comply with acceptable standards for Clause 8.4.5 of the Planning Scheme.

Each unit will have a private open space with an area of at least 24m² in one location and 60m² in total, the minimum private open space requirement for multiple dwelling in the zone. A 1.5m² waste storage area is allocated for each residential unit alongside each outbuilding.

The proposal also involves the development of an outbuilding (garage) for each unit. Unit 1 to 7 will have identical double-door garages each with a floor area of 36m² and a maximum height of 3.304m. Whilst the proposed outbuilding for Unit 8 details a floor area of approximately 90m² with a maximum height of 4.808m. All proposed outbuildings, except for Unit 4, comply with the prescribed setback in the zone from all property boundaries.

On-site parking areas for the new dwellings consist of two carparks each, located in the proposed garage(s). Three (3) parallel car parking spaces are dedicated for visitors parks, located to the east of internal driveway from the northern frontage. The total numbers of off-street car parking spaces (19 spaces) comply with the minimum requirement for multiple dwelling development under the Planning Scheme.

The proposal includes construction of series of retaining walls for each of the dwellings. Unit 5 details a retaining wall with a maximum height of 1.8m located 1.5m from the eastern side boundary along the unconstructed road reserve, however it meets the acceptable solution assessment pathway as it remains located within the appropriate building envelope. All further retaining walls range in height from 1.5m to 1.2m and comply with exemption clause 4.6.8 of the Planning Scheme.

This report assesses the proposal against the *Tasmanian Planning Scheme – Waratah-Wynyard* (the Planning Scheme) and considers any representations received during the public exhibition period.

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

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

- Setbacks and building envelope for all dwellings 8.4.2 (P2);
- Design and layout of parking areas C2.6.2 (P2);
- Pedestrian access C2.6.5 (P1); and
- Traffic generation at a vehicle crossing, level crossing or new junction C3.5.1 (P1).

CONSULTATION PROCESS

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

- Development Application Form x 3 pages;
- Title documents x 5 pages;
- Proposal Plans x 27 pages;
- Supporting Report x 18 pages; and
- Traffic Impact Assessment (TIA) x 51 pages.

The period for representations closed on 2 December 2024. Two (2) representations were subsequently received. A map demonstrating the relationship between the subject site and the representator's property is provided in Figure 2.

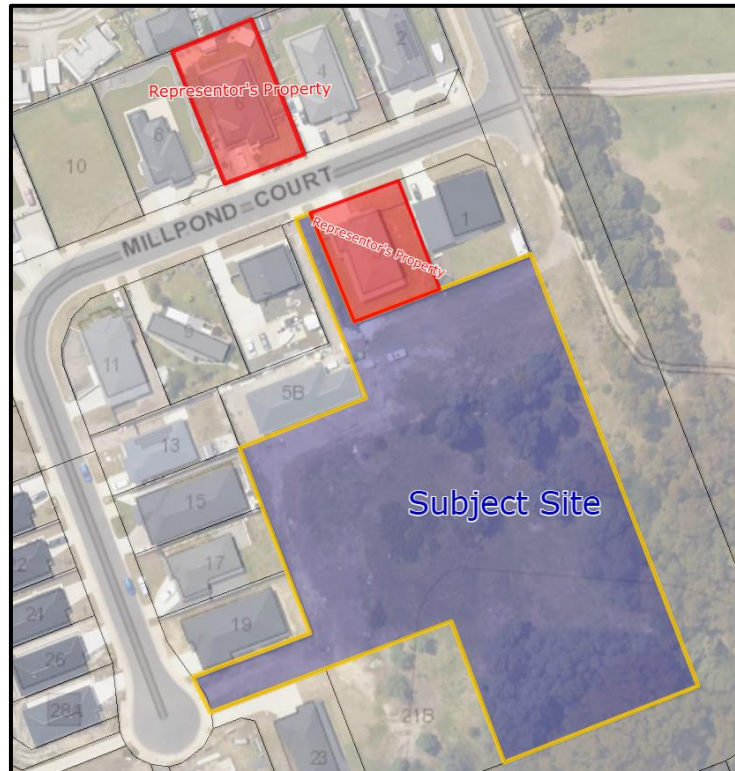


Figure 2. Relationship between the subject site and the representor's property

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

Representor – Rodney Jetson 6 Millpond Court

Issues raised	Response:
<p>The area was chosen as a quiet street for a retirement home.</p> <p>Multiple dwellings of 8 additional homes is a large number and is not suitable for the street. It is disappointing to see so much change in 5 years and no consultation or information about such development had occurred until the sign went up.</p>	<p>The proposal for multiple dwelling meets the acceptable solution standards for residential density for multiple dwellings in the zone, being not less than 325m² per dwelling.</p> <p>There are no statutory requirements for adjoining landowners to be consulted prior to lodging a planning application. Only applications that require assessment against Section 58 of the <i>Land Use Planning Approvals Act 1993</i> require advertising. This includes notifying adjoining landowners, advertising in the local newspaper and a sign posted on the site. Council also makes this available on its website for viewing.</p>
<p>Representor's wellbeing, physical and mental health due to the cause and effect from the proposed development, especially in regard to the traffic noise,</p>	<p>Noted.</p> <p>Clause 6.10 of the Planning Scheme sets out the matters which Council must have regard to when determining applications. This</p>

<p>pollution and light from vehicles accessing the site as the representor's property is opposite the driveway.</p> <p>Why is the entrance not through the other property boundary, which is from York Street?</p>	<p>includes the content of any representations received, but only insofar as the content relates to the particular discretions being exercised.</p> <p>The unconstructed road reserve at the end of York Street does not form part of Council's maintained road infrastructure. It is a road reserve currently owned by Crown land. Council's role as permit authority is to assess an application against the requirements of the Planning Scheme.</p> <p>Should a permit be granted a condition has been recommended that the access, located between 3 & 5B Millpond Court is one way (entrance only), as per Condition (11). This would assist with lessening direct light from vehicles to established dwellings in Millpond Court.</p>
<p>Traffic interface and safety in the street for both vehicles and pedestrians are not designed for high volumes of traffic the development would introduce.</p> <p>The on-street parking in Millpond Court already has poor traffic interaction, this could be alleviated if accessing via York Street road reserve.</p>	<p>Please see planning assessment section below for a full assessment against the discretion for Clause C3.5.1 (P1) Traffic generation at a vehicle crossing, level crossing or new junction.</p> <p>According to the proposal plan submitted with the application, the development includes construction for 19 on-site car-parking spaces, which consist of 16 spaces for residential use and the other 3 are dedicated for visitor use. The number of the proposed off-street parking spaces meets the requirement in the Planning Scheme. Therefore, the development does not rely on on-street parking to cater for its parking requirements.</p>

Representor – J Warr of 3 Millpond Court

Issues raised	Response:
<p>In relation to Clause C2.6.2 of the Planning Scheme, the submission contains insufficient information to confirm compliance with AS2890.</p> <p>In particular, that the limiting requirements for circulation roadways, ramp grades, grade transitions generally and grade transitions over access driveways and the like can be achieved</p>	<p>The engineering department have advised that the TIA prepared by Pitt and Sherry demonstrates the ability for the development to achieve compliance with the requirements of AS2890. The level of detail suggested by the representation is not required to demonstrate compliance at the stage of planning approval. Conditional approval to comply with the requirements of AS2890 will be provided,</p>

<p>and that these would allow for sufficient parking, access and manoeuvring.</p> <p>It is understood that the development is proposing steep grades through horizontal curves and straight alignments which may not work under AS2890 and Austroads guidelines for road geometry.</p> <p>It is also noted the TIA provided by Pitt & Sherry does not effectively address the above instead it summarises the general requirements of AS2890.</p>	<p>such that the requirement to achieve compliance with these standards will need to be met. This is demonstrated in the concluding statement of the TIA, 'The grade of the circulation roadway is yet to be designed and should be designed to meet the requirements of AS 2890.1'.</p> <p>The proposed application is for multiple dwellings, not a subdivision and no formal or gazetted roads will be created as a result, therefore the parameters within Austroads guidelines for road geometry are not applicable to this development.</p>
<p>With Reference to the supplied TIA (T-P .24.0837-REP001-Rev01) by Pitt & Sherry: Section 2.3.2 and generally:</p> <p>The TIA does not consider dysfunction of the road continuation/corner around 35 York Street. It is widely known York Street has a non-compliant horizontal curve at this location causing unnecessary queuing and near misses as residents negotiate the corner at expected speed. In addition, the road reduces to a non-compliant width after the corner (traversing to Millpond Court).</p> <p>Section 2.3.2 of the TIA states that the road is approximately 8.2m where in this location is approximately 6.2m wide for a length of 40m. The report further concludes the impact to an increase in traffic would not have a detrimental impact consistent with C2.6.3.</p> <p>It can be quite easily deduced above that the 'safety or efficiency' of the road will not be minimised, rather increased, due to the developments impact to the already non-compliant section of road.</p> <p>As the length of York Street and Millpond Court are greater than 150m, LGAT standards would require a minimum road width of 8.9m to FOK. In addition, minimum curvature for corners should be in accordance with AustRoads Guidelines. Examples of this curvature can be found</p>	<p>Councils engineering department have advised they are satisfied with the TIA provided by the applicant in order to support the application.</p> <p>Whilst the road continuation corner at York Street may not be a desired corner radius, it does assist with the slowing of traffic to navigate the corner which can contribute to a positive outcome and further slowing of traffic in the residential area. The addition of 8 dwellings within Millpond Court will not have a significant impact on the functionality of this corner. Therefore, Council would not require the developer to undertake upgrades at this road curve.</p> <p>The road segment is consistent with that in surrounding residential areas.</p> <p>Rubbish bin collection areas are available at both the entry and exit points, the reliance on the road reserve is used for all residents accessing the bin collection service. Although, this is not a consideration under the Planning Scheme as such, storage located within the site for each dwelling is provided and separate suitable private open space areas are detailed it is anticipated that should the residents use the road reserve for collection it would be limited to bin collection times.</p>

<p>in multiple locations within the surrounding Millpond Court and York Street subdivisions.</p> <p>Section 3.4 Pitt & Sherry state that “Waste collection will be kerbside and thus require residents to wheel bins along the circulation roads to the Millpond Court footpath.”</p> <p>There is insufficient space at either the exit or entry to store 16 bins (being 1 garbage and 1 green waste for each of the 8 units) for collection. It will result in encroachment to neighbouring properties and loss in amenity of the footpath or road.</p> <p>Therefore, it may be assumed internal collection is required and subsequently reviewed with respect to item C2.6.2 above.</p>	<p>Additionally, private landowners can choose to engage a contractor for rubbish collection at their own will, should they wish.</p>
<p>C2.5.1 and C2.6.3 generally, section 2.6 (by extension 6.2) of the TIA by Pitt & Sherry:</p> <p>It is noted that the proposed development does not provide for safe pedestrian access and egress.</p> <p>Access to and from Millpond Court, as proposed, would require pedestrians traverse a reasonable distance of roadway.</p> <p>While the TIA by Pitt & Sherry suggests this necessity of using the roadway is ‘safe’ under the context of the development there are other users of nearby accesses (23, 5B Millpond), that about the shared access pavement with no barrier separation. In addition, there is reliance on internal site lines being maintained with minimal fencing (section 6.2, comment of clause C2.6.2, item (d)) which may not be conditioned or enforced. The development is wholly reliant on the nature of drivers rather than physical controls, or dedicated infrastructure such as a footpath. In combination with anticipated steep site</p>	<p>It is noted that it is not uncommon to see multiple dwelling development without internal pedestrian networks when the internal circulation is residential and slow speed in nature.</p> <p>Should a permit be granted, a condition has been recommended for access and egress to and from the site to be one way. With access from the northern point and egress from the western point of the site.</p> <p>Fencing is not permitted outside title boundaries. The nature strip segment of the lots at Millpond Court will continually be clear for site line distances to be maintained. Frontage fencing is considered under the Tasmanian Planning Scheme exemptions at Clause 4.6.3 should new fencing not meet the exemption further planning permits would be required and subsequently treat case by case assessment ensuring that site line distances are maintained and ensure that there are no further operational impacts of the street.</p>

gradings, it is believed that the risk is notable and requires consideration.	
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INTERNAL REFERRALS

Engineering Services Department

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

- (1) Stormwater from the development is to be connected and discharged into Council's stormwater drainage network in accordance with the *Urban Drainage Act 2013*.
- (2) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.
- (3) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
- (4) Widen the existing kerb crossover between 3 & 5B Millpond Court to a minimum width of 3.6m in accordance with Tasmanian Standard Drawing TSD-R09-v3, Urban Roads Driveway, TSD-R16-v3 Concrete kerbs and Channels Vehicular Crossings and the conditions in a "Activity in Road Reservation Permit".
- (5) Widen the existing reinforced concrete driveway slab between 3 & 5B Millpond Court to a minimum width of 3.6m between the kerb crossover and the property boundary in accordance with Tasmanian Standard Drawing TSD-R09-v3, Urban Roads Driveways and the conditions in a "Activity in Road Reservation Permit".
- (6) Vehicle parking spaces and associated driveways and turning areas are to be designed in accordance with AS 2890.1 and be approved by the Director Infrastructure & Development Services.
- (7) Loading and un-loading of vehicles is to be confined to within the boundaries of the property.
- (8) Off street car parking and hardstand areas are to be surfaced in an all weather material such as concrete, asphalt or bitumen spray seal. All stormwater runoff from the car parking and hardstand areas is to be collected onsite and directed to a stormwater system designed to cater for a 5% AEP rainfall event and discharged to a legal point of discharge to the reasonable requirements of the Director Infrastructure & Development Services or their delegate.
- (9) Access and egress for the development site is to be one-way circulation entering the development site between 3 & 5B Millpond Court and exiting between 19 & 21B Millpond Court. Suitable pavement arrows are to be painted on the pavement surface in the direction of circulating traffic.
- (10) Retaining walls for all units adjacent to York Street (south of Millpond Court) are to be sited so they do not unduly bear on Council's stormwater infrastructure within the road reservation of York Street.

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

Environmental Health

The following environmental health conditions were recommended.

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

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

EXTERNAL REFERRALS

The application was referred to TasWater on 28 October 2024. The response was received on 4 November 2024 and forms Part B of this permit.

PLANNING ASSESSMENT

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

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

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

8.0 General Residential Zone

8.4.2 Setbacks and building envelope for all dwellings

A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the	P3 The siting and scale of a dwelling must: (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to: (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property; (ii) overshadowing the private open space of a dwelling on an adjoining property; (iii) overshadowing of an adjoining vacant property; and (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling
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<p>horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</p> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or (ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser). 	<p>when viewed from an adjoining property;</p> <ul style="list-style-type: none"> (b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and (c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on: <ul style="list-style-type: none"> (i) an adjoining property; or (ii) another dwelling on the same site.
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Planning Comments: Complies

Unit 4 and the associated outbuilding are to be setback less than 4.5m from the rear boundaries of properties with an adjoining frontage to the west (dwellings at 13, 15, 17 and 19 Millpond Court). As the dwelling and garage are within 4.5m of this boundary, it is located outside the permitted building envelope for an internal block and must be assessed against P3 for this Standard.

Shading diagrams were submitted with the application and demonstrate that the shadow cast from dwelling 4 and garage is limited to the rear portion of dwelling at 19 Millpond Court in the morning and will be similar to that of the boundary fence shadow after 11am, with no shadow cast over this property after 1pm. The diagrams provided are based on the winter solstice, the shortest day of the year (i.e. worst-case scenario). Copies of these diagrams are shown in Figures 3 – 4 below.

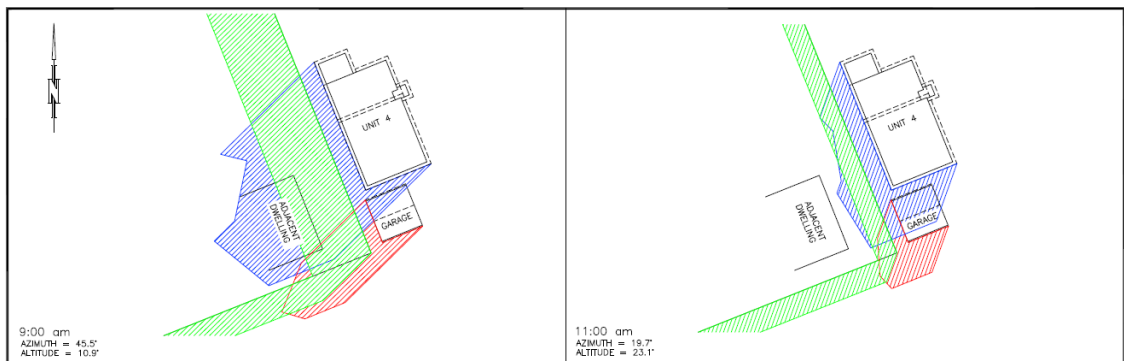


Figure 3: Shading diagrams Unit 4 / 5A Millpond Court – Morning

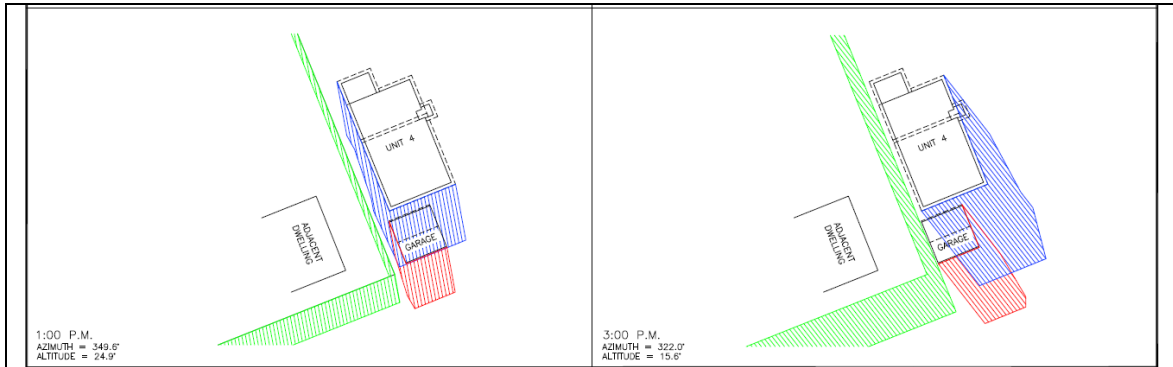


Figure 4: Shading diagrams Unit 4 / 5A Millpond Court – Afternoon

In regard to the visual impact, the height of the structures is consistent with the height of the existing dwellings and outbuildings in the area, the dwelling is less than 5m in height and not more than 4m for an outbuilding. Additionally, a site inspection has confirmed that there is existing solid Colorbond fence along the rear boundary of 19 Millpond Court that providing some screening.

The proposed development of Unit 4 will not result in an unreasonable loss of amenity to a neighbouring property in regard to visual impact, reduction in sunlight or overshadowing. The proposed dwelling and garage for Unit 4 are consistent and smaller in bulk and appearance than other dwellings and outbuildings in the area when viewed from adjacent properties.

The proximity of the proposed development and separation of Unit 4 and associated garage to the western boundary is consistent with the area. Properties at 5B, 15, 17 and 19 Millpond Court contain constructed buildings that do not comply with the acceptable standards in the zone.

The proposed development will not unreasonably restrict solar access to any adjacent property. There are no vacant lots adjoining the subject site and there are no rooftop solar energy installations which may be affected by overshadowing.

The proposal for dwelling and outbuilding for Unit 4 will not unreasonably affect residential amenity in the area and is consistent in scale for development expected in residential areas. The performance criteria P3 is satisfied for this Standard.

C2.0 Parking and Sustainable Transport Code

C2.6.2 Design and layout of parking areas

<p>A1.1</p> <p>Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p> <p>(iii) have a gradient in accordance with <i>Australian Standard AS 2890 - Parking facilities, Parts 1-6</i>;</p>	<p>P1</p> <p>All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to:</p> <p>(a) the characteristics of the site;</p> <p>(b) the proposed slope, dimensions and layout;</p>
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<ul style="list-style-type: none"> (iv) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces; (v) have an access width not less than the requirements in Table C2.2; (vi) have car parking space dimensions which satisfy the requirements in Table C2.3; (vii) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces; (viii) have a vertical clearance of not less than 2.1m above the parking surface level; and (ix) excluding a single dwelling, be delineated by line marking or other clear physical means; or <p>(b) comply with <i>Australian Standard AS 2890 - Parking facilities, Parts 1-6</i>;</p>	<ul style="list-style-type: none"> (c) useability in all weather conditions; (d) vehicle and pedestrian traffic safety; (e) the nature and use of the development; (f) the expected number and type of vehicles; (g) the likely use of the parking areas by persons with a disability; (h) the nature of traffic in the surrounding area; (i) the proposed means of parking delineation; and (j) the provisions of <i>Australian Standard AS 2890.1:2004 Parking facilities, Part 1: Off-street car parking and AS 2890.2 -2002 Parking facilities, Part 2: Off-street commercial vehicle facilities.</i>
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Planning Comments: Complies

The door of the garage for Unit 1 to 7 inclusive is proposed to be 2.1m high, which is lesser than the requirement of 2.2m based on the Standard AS2890.1 for garage for multiple dwelling. The development therefore must be assessed against this Performance Criteria for the height of headroom of the garage(s) only.

The proposed height of the garages' door for Unit 1 to 7 is 2.1m, slightly less than the standards of 2.2m. Therefore, the difference is negligible. Light vehicles will have no difficulties in entering the proposed garage(s).

The site will be primarily used for residential purposes and often people that are familiar with the site. Visitor parking spaces are unaffected and will be conditioned to be clearly marked.

There are 19 on-site car parking spaces proposed, sixteen (16) of which are to serve the multiple dwelling development whilst three (3) are dedicated for visitor use.

The shared driveway will be a low-speed area and the presence of pedestrians is assumed.

Regarding the characteristic of Millpond Court, it is a dead-end road with a cul-de-sac at the end of the road, serving not more than 40 residential properties. The existing traffic is relatively slow with a maximum speed limit of 50km/h. According to the Traffic Impact Assessment (TIA) submitted with the application, the proposal is expected to generate 86 vehicles per day in the area and is considered to not cause adverse effects on the safety of the junction or vehicle crossing and thus the nature of traffic generated is expected to be similar to the existing traffic conditions.

The proposed development is an internal block with two frontages, both onto Millpond Court. The internal traffic has been designed to be one-way circulation, entering the development site from the northern frontage, between 3 & 5B Millpond Court, and exiting through the driveway between 19 & 21B Millpond Court. Suitable pavement arrows are to be painted on the pavement surface in the direction of circulating traffic. This will be formed as condition (11) in this permit.

To ensure minimal disruption occurs from any parking arrangement from the proposed on-site car parking spaces, the following condition has been recommended:

- Vehicle parking spaces and associated driveways and turning areas are to be designed in accordance with AS 2890.1 and be approved by the Director Infrastructure & Development Services.

In this manner, the proposal is considered to comply with the performance criteria P1 for this Standard.

C2.6.5 Pedestrian access

<p>A1.1</p> <p>Uses that require 10 or more car parking spaces must:</p> <p>(a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles, by:</p> <p>(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</p> <p>(ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and</p> <p>(b) be signed and line marked at points where pedestrians cross access ways or parking aisles.</p> <p>A1.2</p>	<p>P1</p> <p>Safe and convenient pedestrian access must be provided within parking areas, having regard to:</p> <p>(a) the characteristics of the site;</p> <p>(b) the nature of the use;</p> <p>(c) the number of parking spaces;</p> <p>(d) the frequency of vehicle movements;</p> <p>(e) the needs of persons with a disability;</p> <p>(f) the location and number of footpath crossings;</p> <p>(g) vehicle and pedestrian traffic safety;</p> <p>(h) the location of any access ways or parking aisles; and</p>
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<p>In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those spaces to the main entry point to the building.</p>	<p>(i) any protective devices proposed for pedestrian safety.</p>
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Planning Comments: Complies

The proposal requires more than 10 on-site car parking spaces and no footpath is proposed. The proposal therefore must be assessed against the Performance Criteria for this Standard.

The site will be used for residential dwellings. There are 19 on-site car parking spaces proposed, 16 of which are for serving the multiple dwelling development whilst 3 are dedicated for visitor use.

According to the Traffic Impact Assessment (TIA) submitted with the application, the site is expected to generate 8 vehicles movements during the morning and afternoon peak hours (equivalent to 1 vehicle every 7.5 minutes). Therefore, conflict between vehicles and pedestrians is expected to be negligible.

The internal circulation is 4.0m wide or greater, which is more than a minimum standard of 3.6m wide. Given the fact that the site will be primarily used for residential purposes and normally light vehicle usage, the proposed internal driveway provides sufficient room for a pedestrian to pass safely in a low speed environment.

The proposed development is an internal block with two frontages, both onto Millpond Court. The internal traffic has been designed to be one-way circulation, entering the development site from the northern frontage, between 3 & 5B Millpond Court, and exiting through the driveway between 19 & 21B Millpond Court. Suitable pavement arrows are to be painted on the pavement surface in the direction of circulating traffic. This will be formed as condition (11) in this permit. Additionally, vehicle parking spaces and associated driveways and turning areas are to be designed in accordance with AS 2890.1 as per condition (8). Therefore, the traffic circulation and parking aisles have been designed and located to provide safety and convenience for pedestrians.

The shared driveway will be in a low-speed area and the presence of pedestrians is expected.

Council’s Engineering Department has undertaken an assessment of the proposal and determined that the proposed parking and access arrangements are suitable to serve the proposed dwellings.

In this manner, the proposal is considered to comply with the performance criteria P1 for this Standard.

C3.0 Road and Railway Assets Code

C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction

<p>A1.1</p>	<p>P1</p>
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<p>For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:</p> <ul style="list-style-type: none"> (a) A new junction; (b) a new vehicle crossing; or (c) a new level crossing. <p>A1.2</p> <p>For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.</p> <p>A1.3</p> <p>For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.</p> <p>A1.4</p> <p>Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <ul style="list-style-type: none"> (a) the amounts in Table C3.1; or (b) allowed by a licence issued under Part IVA of the <i>Roads and Jetties Act 1935</i> in respect to a limited access road. <p>A1.5</p> <p>Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>	<p>Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <ul style="list-style-type: none"> (a) any increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature of the road; (d) the speed limit and traffic flow of the road; (e) any alternative access to a road; (f) the need for the use; (g) any traffic impact assessment; and (h) any advice received from the rail or road authority.
<p>Planning Comments: Complies</p> <p>According to the TIA submitted with the application, the proposal will increase the amount of traffic in in the area by at least 86 light vehicles daily. It is therefore more than the amount of acceptable increase in Table C3.1 of the Planning Scheme and does not comply with A1.4 (a). The proposal must be assessed against the Performance Criteria for this Standard.</p> <p>Millpond Court has a maximum speed limit of 50km/h and has a low existing traffic volume to serve residential purposes only and normally used by light vehicles.</p>	

The proposed traffic movement is to utilise a single entry and exit onto Millpond Court. This forms Condition (11) of the permit. Based on the location of the site, no alternative arrangements are considered more suitable.

This application does not require advice from the rail authority as the property does not abut a rail network.

Council as a road authority, via its Engineering Department has undertaken an assessment of the proposal and determined that the proposed parking and access arrangements are suitable to serve the proposed dwellings.

In this manner, the proposal is considered to comply with the performance criteria P1 for this Standard.

STATUTORY IMPLICATIONS

Land Use Planning and Approvals Act 1993

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

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

Local Government (Building & Miscellaneous Provisions) Act 1993

The application has been considered against the requirements of section 85 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*. The application is generally consistent with these provisions.

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report other than those ordinarily associated with administering the Planning Scheme.

RISK IMPLICATIONS

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

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

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

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

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

COMMENT

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

It is considered that the proposed staged multiple dwellings and outbuildings (units x 8, outbuildings x 8) comply with either the acceptable solutions or satisfy the performance criteria for all applicable standards of the Planning Scheme. The proposed development is consistent with the intent and provisions of the General Residential zone. The development has a site area per dwelling of not less than 325m² per dwelling and has adequate private open space areas. It is also considered to comply with the parking and sustainable transport code, and the road and railway assets code provisions.

The application is also considered to comply with the General Residential zone provisions and all other applicable Codes of the *Tasmanian Planning Scheme – Waratah-Wynyard*. It is therefore recommended that Council approve a planning permit for the proposed staged multiple dwellings and outbuildings (units x 8, outbuildings x 8).

MOVED BY	CR JOHNSTONE
SECONDED BY	CR HYLAND

That Council, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Tasmanian Planning Scheme (TPS) - Waratah-Wynyard*, grant approval for Staged Multiple Dwellings & Outbuildings (Units x 8, Outbuildings x 8) at 5A Millpond Court, Wynyard subject to the following conditions:

PART A CONDITIONS:

- (1) The development is to be generally in accordance with the updated application as submitted and endorsed documents as listed:**
 - a. Proposal plans with Project Number 22050 and Drawing Numbers 02 Rev. E; 03, 04, 05 and 13 Rev. C; 06, 14-22 and 24 Rev. A; 23 Rev. B; 09-12 Rev. D as prepared by PLA Designs Pty Ltd and dated 14 May 2024.**
 - b. Proposal plans with Project Number 22050 and Drawing Numbers 01 Rev. D and 08 Rev. C as prepared by PLA Designs Pty Ltd and dated 17 October 2024.**

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- c. Garage plan for Unit 1 to 7 with Drawing Number BURN01-25671 and Drawing Number 1 Rev. A as prepared by Ranbuild and dated 2023.
 - d. Outbuilding plans for Unit 8 with Drawing Number BURN01-26653 and Drawing Numbers 1 and 2 Rev. A as prepared by Ranbuild and dated 2024.
 - e. Traffic Impact Assessment (TIA) as prepared by Pitt & Sherry Revision 01 and dated 7 November 2024.
- (2) Stormwater from the development is to be connected and discharged into Council's stormwater drainage network in accordance with the *Urban Drainage Act 2013*.
 - (3) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.
 - (4) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
 - (5) Widen the existing kerb crossover between 3 & 5B Millpond Court to a minimum width of 3.6m in accordance with Tasmanian Standard Drawing TSD-R09-v3, Urban Roads Driveway, TSD-R16-v3 Concrete kerbs and Channels Vehicular Crossings and the conditions in a "Activity in Road Reservation Permit".
 - (6) Widen the existing reinforced concrete driveway slab between 3 & 5B Millpond Court to a minimum width of 3.6m between the kerb crossover and the property boundary in accordance with Tasmanian Standard Drawing TSD-R09-v3, Urban Roads Driveways and the conditions in a "Activity in Road Reservation Permit".
 - (7) Vehicle parking spaces and associated driveways and turning areas are to be designed in accordance with AS 2890.1 and be approved by the Director Infrastructure & Development Services.
 - (8) Loading and un-loading of vehicles is to be confined to within the boundaries of the property.
 - (9) Off street car parking and hardstand areas are to be surfaced in an all-weather material such as concrete, asphalt or bitumen spray seal. All stormwater runoff from the car parking and hardstand areas is to be collected onsite and directed to a stormwater system designed to cater for a 5% AEP rainfall event and discharged to a legal point of discharge to the reasonable requirements of the Director Infrastructure & Development Services or their delegate.
 - (10) Access and egress for the development site is to be one-way circulation entering the development site between 3 & 5B Millpond Court and exiting between 19 & 21B Millpond Court. Suitable pavement arrows are to be painted on the pavement surface in the direction of circulating traffic.
 - (11) Retaining walls for all units adjacent to York Street (south of Millpond Court) are to be sited so they do not unduly bear on Council's stormwater infrastructure within the road reservation of York Street.
 - (12) Control measures are to be installed for the duration of the construction phase so as to limit the loss of soils and other debris from the site.

PART B CONDITIONS:

- (1) The person responsible for the activity must comply with the conditions contained in Schedule 2 of Permit Part B which the Regulated Entity (trading as TasWater) has required the planning authority to include in the permit, pursuant to *section 56Q of the Water and Sewerage Industry Act 2008*, reference TWDA 2024/01260-WWC (attached).

Notes: -

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

- An “Activity in Road Reservation” permit must be obtained from Council for all activity within the Road Reservation.
- This project must be substantially commenced within two years of the issue of this permit.
- The applicant is advised to consult with a building surveyor to ensure the development is constructed in accordance with *Building Act 2016*.
- This permit is based on information and particulars set out in Development Application DA 112/2024. Any variation requires an application for further planning approval of Council.
- This development/use is not to result in the generation of environmental harm or nuisance as defined in the *Environmental Management and Pollution Control Act 1994*.
- Attention is drawn to existing or proposed electricity infrastructure, please be sure to contact TasNetworks on 1300 137 008 to ensure these works do not impede on existing electricity easements and are at a safe distance from powerlines. Failure to do so could result in the relocation of electricity assets at your cost.
- Under Section 61 (4) of the *Land Use Planning and Approvals Act 1993*, the applicant has the right to lodge an appeal against Council’s decision. Notice of appeal should be lodged on the prescribed form together with the required fee within fourteen days after the date on which notice of the decision was served on that person, to the Tasmanian Civil & Administrative Tribunal (TASCAT), G.P.O. Box 2036, Hobart, 7001 (<mailto:resourceplanning@tascat.tas.gov.au>). Updated Notices of Appeal are available on the Tribunal’s website at <https://www.tascat.tas.gov.au/>.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

PLANNING AUTHORITY CLOSED AT 6.17PM

The Manager Development & Regulatory Services left the meeting at 6.17pm.

7.0 MATTERS RAISED BY COUNCILLORS

7.1 RESPONSE(S) TO COUNCILLOR QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

7.1.1 CR JOHNSTONE - REDUCTION OF SPEED LIMIT OLD BASS HIGHWAY

QUESTION

Cr Michael Johnstone noted that the speed limit changes from 60kph to 70kph just past Bruce's Café and asked that a review be completed to determine if the 60kph zone can be extended past the new subdivision or Seabrook Golf Club.

The General Manager took the matter on notice and agreed to discuss the matter with the Director of Infrastructure Services on his return from leave

OFFICERS RESPONSE

Refer Notice of Motion on this agenda

7.1.2 CR COURTNEY - REZ ZONE

QUESTION

At the November Council Meeting Cr Courtney asked the following questions on notice. A response has now been provided by Renewable Energy Zones Team at Renewables, Climate and Future Industries Tasmania (ReCFIT) a Department of State Growth. The response is detailed in the Officers Response section of this report.

Question 1

Where are the baseline numbers of the Wedge tail Eagle population coming from for these reports? If it's an evidenced based number

Question 2

How many are likely to be struck, harmed, or die, as a result of the windmills each year?

Question 3

Do we know how many breeding pairs are in the area to be impacted?

Question 4

Do we know how often they breed successfully.

Question 5

What are Councils obligations if the proposed projects are in our municipality? (to protect a threatened / endangered species - under the Environmental Protection Act)?

Question 6

Are properties which would be impacted by the construction of the proposed transmission lines (including the REZ rezoning and Marinus Link proposal) on record with council? Have we got a list of properties that will be impacted by these projects?

Question 7

Do Council know how many land owners / property titles including houses, farms, corporate farms and land, commercial and private business properties in the Wynyard Waratah council municipal area, could/would be impacted with the current proposed transmission lines, proposed areas of REZ rezoning, and Marinus Link?

Question 8

Will any upgrades need to be done on any power infrastructure in Council managed areas as a result of same?

Question 9

A resident has asked the following in relation to the proposed projects. Are Council officers able to advise if these following claims being made, are true or not?

- If the 30+ gwph of energy upgrades proposed for the wind power projects for Northern Tasmania, is doubling Australia's current gwph usage.
- That Tasmania currently produces around 100% more than it uses from renewable (energy including Hydro etc).
- That the proposed wind power mills will use over 2,000 litres of oil every 9 to 12 months.
- That the proposed wind power mills are not recyclable.
- That the Australian Energy Market Operator (AEMO) that controls our Tasmanian energy prices (through the National Energy Regulator) is at least 40% owned by the major Australian energy companies (which are majority foreign owned.)

OFFICERS RESPONSE

A detailed response to Cr Courtney's questions has now been provided in the below table.

Besides the responses detailed in the table below the ReCFIT team also noted the following:

“There is no proposal to rezone land within the proposed NW REZ.

The proposed REZ boundary does not conform to any particular land use or generation type.

The boundary is meant to be a general area, and therefore some specific areas within the zone that have particular land uses may not be suitable for renewable generation or transmission development.

We know that approximately 16% of the proposed zone contains land that is constrained land for future development based on currently known constraints such as threatened species, residential use and Aboriginal Heritage ([refer to REZ information sheet](#)).

Future wind farms and transmission lines within the REZ will still need to go through the same environmental approval processes as any other development in Tasmania, with the EPA responsible for assessing the potential environmental impacts of a particular project and ensuring these are minimised.”

QUESTION	RESPONSE
<p>Where are the baseline numbers of the Wedge tail Eagle population coming from for these reports? If it's an evidenced based number</p>	<p>Tasmania’s population size of wedge-tailed eagles is not well-understood. Various estimates have been calculated in different studies based on the number of territories in Tasmania and known nesting locations:</p> <p>Less than 1000 individuals with approximately 220 territories state-wide (Bell and Mooney 1998; Threatened Species Section 2006)</p> <p>Between 1,000 and 1,524 individuals estimated from 426 to 457 territories (Mooney, 2005; Threatened Species Section, 2006).</p> <p>More recently, 466 and 766 birds (average 600 birds) derived from ~426 territories and a 54–90% territory occupancy (Mooney et al. 2021), based on data from Mooney (2005) and Threatened Species Section (2006).</p> <p>References:</p> <p>Bell, P. & Mooney, N.J. (1998). The Wedge-tailed Eagle Recovery Plan 1998-2003. Tasmanian Parks & Wildlife Service, Hobart.</p> <p>Mooney, N. (2005). Report to the federal court of Australia by a “Court Appointed Expert”. In: Proceedings of TAD 17 of 2005, Brown versus Forestry Tasmania (No 4) [2006] FCA 1729. Hobart.</p> <p>Mooney, N., Holdsworth, M.C., Bell, P., Baker, G.B. & Garnett, S.T. (2021). Tasmanian Wedge-tailed Eagle <i>Aquila audax fleay</i>. In: Garnett, S.T. & Baker, G.B. (Eds). The Action Plan for Australian Birds 2020, pp. 368–370. CSIRO Publishing, Melbourne.</p> <p>Threatened Species Section (2006). Threatened Tasmanian Eagles Recovery Plan 2006-2010. Department of Primary Industries & Water, Hobart. Available online: https://nre.tas.gov.au/Documents/Threatened-Tasmanian-Eagles-RP.pdf</p>
<p>How many are likely to be struck, harmed, or die, as a result of the windmills each year?</p>	<p>We don’t have an exact number/estimate, but the number is being reduced with improvements in bird avoidance technologies. Most wind farms operating in Tasmania usually collect statistics on birds that are harmed on their sites. This is normally reported their annual environmental review.</p> <p>The Government recognises the importance of balancing renewable energy growth with environmental protection. Tasmania’s independent Environment Protection Authority (EPA) assesses environmental risks and sets operating requirements for any approved wind farms. This helps to ensure that each new wind project meets stringent environmental standards, including minimising risks to wildlife like the wedge-tailed eagle. For instance, advanced bird detection technologies, such as IdentiFlight at Cattle Hill, are now standard in protecting bird populations. This approach also forms part of the conditions for approval for the St Patricks Plains wind farm, recently issued by the EPA.</p>

QUESTION	RESPONSE
	<p>Research is also being conducted in this area by UTAS to understand and quantify the impacts of wind farms on wedge-tailed eagles. Please visit the links below to find out more information. https://www.utas.edu.au/about/news-and-stories/articles/2022/1234-safeguarding-an-iconic-bird-of-prey, https://rms.arc.gov.au/RMS/Report/Download/Report/a3f6be6e-33f7-4fb5-98a6-7526aaa184cf/234</p>
Do we know how many breeding pairs are in the area to be impacted?	It's a difficult question to answer at stage. Given the nature of wedge-tailed eagles, this this information is difficult to obtain. A systematic study of the area still needs to be completed. We could obtain a very rough figure on the number of breeding pairs by estimating the number of territories and known nest locations in the area. This would only be an estimated figure though.
Do we know how often they breed successfully	ReCFIT has consulted with zoology researchers at the University of Tasmania to answer this question. They advised us that researchers are still determining this probability, but early results suggest that a breeding pair has a 0.5 probability of making a breeding attempt in any given year. If a breeding attempt is made there is a 0.5-0.7 probability that the nesting attempt will fail before fledging.
Are properties which would be impacted by the construction of the proposed transmission lines (including the REZ rezoning and Marinus Link proposal) on record with council? Have we got a list of properties that will be impacted by these projects?	<p>There are around 2,000 properties within the proposed REZ (see answers to questions asked at REZ Burnie information session)</p> <p>ReCFIT has contacted all landholders in the proposed REZ, some of which reside in the Waratah-Wynyard LGA. Specific information is also available on the renewable energy zone website for landholders.</p> <p>The impact on individual properties will depend on the proposed location of projects, which would be determined by proponents through engagement with landholders and neighbours and then formalised through subsequent agreements. Landholders are under no obligation to be a renewable energy host and proponents will be expected to work with individual landholders and neighbouring property holders to secure project support.</p> <p>REZ development will also need to adhere to the Tasmanian Government's Guidelines for Community Engagement, Local Procurement and Benefit Sharing, along with any specific community benefit scheme established as part of a REZ.</p> <p>The individual project proponents, such as TasNetworks (North West Transmission Development) and Marinus Link would have details on their interactions with landholders to date.</p>
Do Council know how many land owners / property titles in the Wynyard Waratah council municipal area, could/would be impacted with the current proposed transmission lines, proposed	As noted above there will not be land rezoning as a direct result of declaring a REZ. Details of landholders and interactions with them are also noted above.

QUESTION	RESPONSE																								
areas of REZ rezoning, and Mariner Link																									
Will any upgrades need to be done on any power infrastructure in Council managed areas as a result of same?	This question will need assistance from TasNetworks.																								
<p>Is it true that Tasmania currently produces around 100% more than it uses from renewable (energy including Hydro etc).</p>	<p>No, this is not true. Tasmania has the capacity to generate 100% of its own electricity from renewable sources, but it does not produce 100% more (or double) renewable power than it uses. The amount we produce and the amount we use is much closer in size.</p> <p>Tasmania does not always generate 100% of its own electricity. In most years, Tasmania’s power needs and our generated supply are quite closely balanced, but there may be a need to import further power supply.</p> <p>The amount of power Tasmania generates imports and exports changes from year to year (depending on a range of economic and climatic factors). We used the table on page v of ‘Energy in Tasmania Report 2022-2023’, issued by the Tasmanian Economic Regulator, to obtain the statistics displayed below.</p> <p>https://www.economicregulator.tas.gov.au/Documents/24%20580%20%20Energy%20in%20Tasmania%20Report%202022-23%20-%20Final.PDF</p> <table border="1" data-bbox="504 943 1704 1321"> <thead> <tr> <th></th> <th>Power consumption of Tasmania – NEM data (GWh)</th> <th>Power generation of mainland Tasmania* (GWh)</th> <th>Hydro-electric generation of Tasmania (GWh)</th> <th>Basslink Imports (GWh)</th> <th>Basslink Exports (GWh)</th> </tr> </thead> <tbody> <tr> <td>2022-2023</td> <td>11 082</td> <td>10 191</td> <td>8 232</td> <td>1 664</td> <td>773</td> </tr> <tr> <td>2021-2022</td> <td>11 225</td> <td>11 472</td> <td>9 560</td> <td>1 159</td> <td>1 406</td> </tr> <tr> <td>2020-2021</td> <td>10 747</td> <td>10 157</td> <td>8 177</td> <td>1 612</td> <td>1 022</td> </tr> </tbody> </table> <p>*NEM data, excludes Bass Strait islands</p>		Power consumption of Tasmania – NEM data (GWh)	Power generation of mainland Tasmania* (GWh)	Hydro-electric generation of Tasmania (GWh)	Basslink Imports (GWh)	Basslink Exports (GWh)	2022-2023	11 082	10 191	8 232	1 664	773	2021-2022	11 225	11 472	9 560	1 159	1 406	2020-2021	10 747	10 157	8 177	1 612	1 022
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QUESTION	RESPONSE
	<p>From the table above, you can see that in the period of 2022-2023, Tasmania used nearly 1,000 GWh more than what mainland Tasmania produced (i.e. we used more power than we produced).</p> <p>Between 2020-2021, we used about 600GWh more than what we produced. Therefore, in both of these periods, Tasmania was not generating enough power to meet our own power demands. We needed to bring in more power from the mainland via imports along Basslink.</p>
<p>Is it true that if the 30+ gwph of energy upgrades proposed for the wind power projects for Northern Tasmania, is doubling Australia's current gwph usage</p>	<p>Tasmania will probably use a lot of the extra power that is generated (for example for industry growth and increased electrification in households), with only a portion of this power being exported to the mainland. Therefore, the power that Tasmania generates in the future is unlikely to double Australia's current GWh usage.</p> <p>According to the <i>Australian Energy Update 2024</i>, Australia's energy consumption in the 2022–23 period was 5,882 petajoules (see https://www.energy.gov.au/sites/default/files/2024-08/australian_energy_update_2024.pdf). One petajoule is 278 GWh. Therefore, as $5882 \times 278 = 1\,635\,196$, Australia's energy consumption in this period was equivalent to 1 635 196 GWh.</p> <p>Given Tasmania's power export in 2022-2023 was just 773GWh (see table above), if Australia were to rely solely on Tasmania's power alone, Tasmania would have needed more than 2000 times the export power just to meet Australia's demand for that period.</p> <p>Therefore, Tasmania would need to produce A LOT more power before we even come close to doubling Australia's GWh usage</p>
<p>Is it true that the proposed wind power mills will use over 2,000 litres of oil every 9 to 12 months.</p>	<p>This depends on the type of wind turbines that are used. One wind farm currently operating on Tasmania's North West does not use that much oil because their turbines are 'direct drive'.</p> <p>They did advise that every 5 years (approximately) they replace the gear oil in yaw and pitch drives and replace the hydraulic oil. As they have 432 gear drives installed to pitch/yaw the turbines, the 432 gear drives will share 6000 litres of Shell Omaha HD 150 gear oil every 5-6 years.</p> <p>Each turbine also has a hydraulic station. They also replace that oil every 5-6 years depending on test results/oil quality. The 48 hydraulic stations share 600 litres of Total Equivis XV32 every 5-6 years.</p>
<p>That the proposed wind power mills are not recyclable.</p>	<p>According to the Clean Energy Council's Wind Turbine Recycling Report 2023 (see https://assets.cleanenergycouncil.org.au/documents/Wind-turbine-recycling-report-2023.pdf),</p>

QUESTION	RESPONSE
	<p>about 84-95% of a wind turbine (by mass) is recyclable. Many of the components in the tower of the turbine can be recycled, but the main issue is with the turbine's blades. Due to the epoxy and composite materials (e.g. fibreglass or carbon fibre) used in the blades, these are harder to recycle. Technological advancements could improve their capacity to be recycled in the coming years. It is important to note that wind turbines can be refurbished to extend their life too. For example, a project has recently commenced to refurbish 26-year old wind turbines on King Island, potentially extending their lifespan for another 10 years.</p>
<p>That the Australian Energy Market Operator (AEMO) that controls our Tasmanian energy prices (through the National Energy Regulator) is at least 40% owned by the major Australian energy companies (which are majority foreign owned.)</p>	<p>AEMO's membership is approximately 60% government owned and 40% industry owned. Members may attend and vote at general meetings. A list of industry members is available on their website: https://aemo.com.au/-/media/files/about_aemo/board_and_governance/aemo--industry-member-list-2024.pdf?la=en</p> <p>AEMO is not directly responsible for setting energy prices in Tasmania. Electricity pricing in Tasmania is overseen by the Office of the Tasmanian Economic Regulator (OTTER), which determines maximum prices for regulated "standing offer" contracts, primarily offered by Aurora Energy.</p> <p>Pricing determinations made by OTTER are influenced by the major costs associated with building, maintaining and operating our electricity network, including but not limited to:</p> <ul style="list-style-type: none"> • Network charges, which are regulated by the Australian Energy Regulator, an independent national body • Generation costs (including the wholesale electricity price) which is calculated by OTTER in accordance with the results produced by a wholesale pricing model that complies with the principles set out in the Wholesale Contract Regulatory Instrument and the methodology set out in the Regulator's annual price approval guideline. • National Energy Market participation charges, which are set by AEMO <p>As a result, the Tasmanian Economic Regulator has discretion with respect to determining around 12 per cent of the costs that contribute to the total cost of electricity.</p> <p>A more detailed explanation of electricity price setting in Tasmania is available on the Economic Regulator's website: https://www.economicregulator.tas.gov.au/electricity/pricing/retail/electricity-pricing-explained.</p>

7.2 COUNCILLOR QUESTIONS RECEIVED IN WRITING

Nil received.

7.3 COUNCILLOR QUESTIONS WITHOUT NOTICE

7.3.1 COUNCILLOR PROFESSIONAL DEVELOPMENT

Cr Celisa Edwards asked if training on Psychological Safety could be arranged for councillors as part of the 2025 professional development program.

The Mayor agreed that training could be investigated.

7.3.2 TRAFFIC CONTROL - ENTERING OLD BAS HIGHWAY FROM NEW SUBDIVISION

Cr Celisa Edwards : noted that measures to ensure safety when traffic exiting the new subdivision needs review and asked if a way to stop people pulling straight out onto highway could be considered as part of the Bass Highway traffic assessment.

The question was noted.

8.0 NOTICE OF MOTION

8.1 CR JOHNSTONE - SPEED LIMIT OLD BASS HIGHWAY

Enclosures: Nil

BACKGROUND INFORMATION

Since the construction of homes has commenced at the Seabrook Subdivision on the Old Bass Highway traffic in and out of the estate has increased.

There is a need to consider the reduction in the speed limit from 70kph to 60kph along the Old Bass Highway to ensure the safety of motorists. The number of cars entering and exiting the new subdivision as well as the Seabrook Gold Club is increasing with numerous near misses already witnessed.

The number of homes being built is increasing rapidly with increases in traffic and foot traffic within the residential subdivision only increasing.

There is also an increase in foot traffic crossing the Old Bass Highway in a number of locations to access the new coastal pathway and beach area.

The current speed limit is 70km until you reach Dart Street, it would be sensible to decrease the speed limit to 60kms on the Old Bass Highway at least starting from Seabrook Golf Club in preparation for the possibility of further subdivision from that point.

OFFICERS COMMENT

Speed limits in Tasmania are approved and set by the Commissioner for Transport upon application and recommendation by a road authority with supporting evidence based on traffic engineering guidance and compliance with national standards.

Below is an excerpt from the Department of State Growth, Transport Services, website providing a brief description of the process. The website also provides a range of information on the formal process for altering a speed limit within Tasmania and can be accessed via the following link:

https://www.transport.tas.gov.au/roads_and_traffic_management/managing_the_roads/speed_limits_on_tasmanian_roads

Excerpt;

Speed limit changes are approved by the Commissioner for Transport.

The Commissioner for Transport is the legal authority for setting speed limits on all roads in Tasmania.

The Commissioner makes a decision after looking at an application and recommendation from the road manager, such as the State Roads Division of the Department of State Growth, or by a local council.

The Commissioner will typically base their decision on applicable traffic engineering guidance and national standards.

To formalise a position to reduce the speed limit of Old Bass Highway, it would be prudent for Council Officers to undertake an assessment of Old Bass Highway, including the placement of traffic count devices, review of available crash history and assessment of the general geometry of the road. This information provides an evidence base for Council to use

in considering whether to support the request to reduce speed and equally acts as supporting evidence when an application is presented to the Transport Commissioner requesting a speed limit change.

Council officers can undertake this assessment and bring a subsequent report to Council once complete, the traffic safety review considered at item 9.2 of the agenda will be useful in enacting this motion if successful.

MOVED BY	CR JOHNSTONE
SECONDED BY	CR RAW

That Council undertake an assessment of the Old Bass Highway for a future report to Council for the consideration of speed limit reduction.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 REFLECT RECONCILIATION ACTION PLAN

To:	Council
Reporting Officer:	Manager Tourism and Corporate Communications
Responsible Manager:	Director Community Services
Report Date:	27 November 2024
File Reference:	1
Enclosures:	1. Reflect Reconciliation Action Plan (RAP) final web version



PURPOSE

For Council to adopt the Reflect Reconciliation Action Plan (RAP), developed as an action of the annual plan. On 17 June 2024 Council endorsed the draft Reflect RAP to be sent to Reconciliation Australia for review and public consultation. The Reflect RAP plan has been developed in line with the Reconciliation Australia framework and endorsed by the organisation for implementation. The RAP is included as an attachment to this report.

BACKGROUND

A Reconciliation Action Plan allows organisations to continuously develop their reconciliation commitments through Reconciliation Australia's RAP Framework. The framework provides organisations with a structured four stage approach to advance reconciliation over a three-four year period with each type of RAP designed to suit an organisation at different stages of their reconciliation journey.

The four stages are:

RELECT	<ul style="list-style-type: none">• A Reflect RAP focuses on developing relationships with Aboriginal and Torres Strait Islander stakeholders, deciding on your vision for reconciliation and exploring your sphere of influence.• Understanding what actions to take.
INNOVATE	<ul style="list-style-type: none">• An Innovate RAP runs for two years, and outlines actions for achieving your organisation's vision for reconciliation.• A focus on developing and strengthening relationships with Aboriginal and Torres Strait Islander peoples, engaging staff and stakeholders in reconciliation, and developing and piloting innovative strategies to empower Aboriginal and Torres Strait Islander peoples.
STRETCH	<ul style="list-style-type: none">• A Stretch RAP spans a two-three-year period, and is focused on longer-term strategies, and working towards defined measurable targets and goals.• The Stretch RAP requires organisations to embed reconciliation initiatives into business strategies, so they become 'business as usual'.
ELEVATE	<ul style="list-style-type: none">• organisations that have a proven track record of embedding effective RAP initiatives in their organisation through Stretch RAPs and are ready to take on leadership to advance national reconciliation.

Waratah-Wynyard Council's Reflect Reconciliation Action Plan (RAP) has been endorsed by Reconciliation Australia on the 25 November 2024 and Council is recognised as a member of the RAP network.

DETAILS

Process

Waratah-Wynyard Council developed a Reflect RAP with guidance by Reconciliation Tasmania.

A RAP working group was formed with staff representatives across the organisation including a guide from Reconciliation Tasmania, the Mayor, Parks and Reserves Team, Warawyn Early Learning Centre, Director of Governance and Information, Environment and Sustainability and Planning Team, Asset services, Communications Team, Human Resources Coordinator and Community Development Officer. This group has met to progress the development of the draft Reflect RAP for Waratah-Wynyard Council. Meetings with the Senior Management Team and Council workshops have contributed to the development of the Reflect RAP.

Aboriginal and Torres Strait Islander organisations and networks across Tasmania were contacted and advised that Council is undertaking this work and are interested in building relationships to foster reconciliation in our area. Historian, Dr Ian McFarlane was engaged in Council's reconciliation journey to support cultural awareness, with his published work, *Short Contact History of the Tommigen* provided to Council as a resource. The Circular Head Aboriginal Corporation are also committed to support Council's development and delivery of the Reflect RAP.

Staff workshops were held across the organisation to capture feedback on the key themes for the Reflect RAP, including relationships, respect, opportunities, and governance. These workshops were well attended with over 50% staff participation. Additional to the workshops, staff were encouraged to complete an online survey.

A public survey was sent to Aboriginal and Torres Strait Islander organisations and networks and key community networks including an online social media post. The response to the survey helped form the reflect RAP actions. There were over 40 surveys completed by community members, with many identifying as Aboriginal and/ or Torres Strait Islander. Survey feedback indicated that Council is well positioned to adopt a set of Reflect RAP actions that have cultural learning at the forefront.

Members of the Council's Public Art Advisory Group (PAAG) and local Aboriginal community have met to discuss the artwork commission for Waratah-Wynyard Council's Reflect Reconciliation Action Plan. The discussion was based on Reconciliation Australia's good practice guide engaging Aboriginal and/ or Torres Strait Islander artists during the design of the Reflect RAP artwork and design. The inclusion of the artwork provides a strong visual identity to the beginning of Council's reconciliation journey.

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 3: Connected Communities
Desired Outcomes
1.3 We encourage broad community input to create a focussed and strong sense of belonging.

Our Priorities

1.4.1 Collaborate with, understand and satisfy our external customers' needs and values.

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

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The majority of actions contained within the RAP can be delivered within existing resources. Consideration may need to be given to future budget bids and this will be the subject of separate budget reports to Council.

RISK IMPLICATIONS

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

CONSULTATION PROCESS

An established working group which includes the Mayor and staff across different departments supports the delivery of the Reflect RAP. External support from both Reconciliation Australia and Reconciliation Tasmania is provided with regular correspondence, opportunities for support and learning circles.

Aboriginal and Torres Strait Islander peoples including the Circular Head Aboriginal Corporation and local Aboriginal and Torres Strait Islander Elders are key stakeholders in the delivery of Waratah-Wynyard Council's Reflect RAP.

CONCLUSION

It is recommended that Council adopt and implement the Reflect RAP.

MOVED BY	CR COURTNEY
SECONDED BY	CR ROBERTS

That Council:

- 1. Acknowledge the endorsement of the Reflect Reconciliation Action Plan by Reconciliation Australia;**
- 2. Adopt and implement the Reflect Reconciliation Action Plan; and**
- 3. Receive annual update reports.**

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

9.2 AGM MOTION - C HUTCHISON - RIGHT TO INFORMATION FINDINGS

To: Council
Reporting Officer: Executive Officer
Responsible Manager: Acting General Manager
Report Date: 10 December 2024
File Reference: AGM
Enclosures: Nil

PURPOSE

The purpose of this report is to consider a motion that was put and carried at the Annual General Meeting (AGM) on 9 December 2024.

BACKGROUND

Mr Codie Hutchison put the motion at Council's recent AGM. The motion was put and carried for consideration at this Council meeting (being the next available meeting of Council).

DETAILS

Mr Hutchison put the motion and offered the following comment in support of the motion:

Accompanying this motion is the decision by the Ombudsman regarding the application for assessment disclosure to Council for the 2013 independent report into workplace culture and management at Council.

This decision and the attached document released by Council outline what was made available, and why the Ombudsman directed Council to make it available.

After a series of public questions at ordinary Council meetings in mid-2023, and subsequent failed attempts (RTI request & Internal Review) thereafter requesting Council provide this report, the Ombudsman was engaged to complete an external review. After the passage of a number of months, the Ombudsman directed the Council to release the report prior to Friday 13 December 2024.

Council released the report via email on Friday 29 November 2024.

This motion highlights a number of issues with current Council procedure, including, but not limited to:

- * Refusal of the Mayor and Senior Management to provide information of public interest
- * Treatment of members of the public seeking information of public interest
- * Refusal of Council to provide information following a genuine Right to Information request
- * The public and Councillors ability to maintain high standards of accountability without the required information to do this adequately

It seeks to encourage the Council to review its practices with the view for improvement, especially in the area of proactive transparency and information disclosure.

The Ombudsman determined in the external review that the Council was not justified in

refusing the application for assessed disclosure, and that the Right to Information officer and the General Manager had not applied the Right to Information Act 2009 correctly, hence the Ombudsman's determination to direct Council to release the information in part.

Council must take this opportunity to avoid this situation in the future and successfully review its practices, so that the community can play a stronger role in helping Council be the best it can be.

Officers Comment

The following Officers Comments were provided to the motion:

Council officers received the completed Ombudsman determination into this matter in late November and intended to publish the findings and associated attachments at the December meeting for Council to note.

Council has maintained that the release of the information shared by staff would impair its ability to obtain similar information in the future and this is consistent with the Ombudsman's review and decision (point 48).

This is important in maintaining staff trust to participate in internal surveys and other cultural improvement processes that are vital to good practice.

The role of Local Government Priority Reform Program 2024-2026 talks to good governance principles that will need to be upheld by Councils and Councillors. It is recommended that Council first be appraised of further detail of this by the State Government and then determine whether resources are required to be put into achieving any new contemporary governance standards.

Council officers see no gain in allocating resources to preparing a progress report against the recommendations of the 2013 Johnston report. Recent staff survey results, information in annual reports and on Councils website, is available for interested parties to openly see the current status of the organisation.

The public motion that was passed by a majority decision of Councillors and community electors present (13/2) at the AGM on 9 December is presented in this report for Council consideration.

In considering the five part motion the following is provided for Councillor consideration: -

- 1. Note the decision by the Ombudsman to direct Council to release in part, the 12-page report dated 3 September 2013 titled 'Waratah-Wynyard Council – Report on the organisation's ability to resolve issues', by Neil Johnston of Small Business Safety Systems.**

Recommended as per the public motion.

- 2. Further note parts of the report released by Council, remain redacted, despite calls in the community earlier in the year to release the report, unredacted.**

While it is acknowledged that there was a request in the community to release the report earlier in the year, it should also be noted that release of the redacted version of the report accords with the determination of the office of the Ombudsman. An alternate point 2 to this effect is: -

- 2. Further note that parts of the report released by Council, remain redacted as per the determination of the Office of the Ombudsman.**

3. Undertake a review of its Right to Information procedures, to ensure that applications are processed correctly.

It is understood that the underlying intent is continuous improvement to ensure good governance. Council's procedures are currently determined by legislation as well as training and guidance materials provided by the office of the Ombudsman.

It should be further noted that in the 2023-24 Annual report, published on the website of the Ombudsman Tasmania the priorities of that office for 2024-25 in relation to the *Right to Information Act 2009* are listed as: -

- *Continue to reduce the backlog of external review requests, with a goal of having no unfinalized external reviews which were received before 2024 by 30 June 2025;*
- *Ensure at least one training session on RTI is offered to public authorities;*
- *Update guidance materials to increase RTI decision-maker capacity and promote RTI best practice; and*
- *Seek additional funding to ensure adequate staffing levels are reached to enable my external review and educational functions to be fully effective.*

Current Council practice is to undertake all training provided by the Office of the Ombudsman and make use of guiding materials when required to make a determination. The Ombudsman's Office provided training in September 2024 for Council staff.

The limitation on the Ombudsman's ability to provide educational functions that would benefit Council's practice are linked to better funding outcomes.

An alternate recommendation for Council on this specific matter is: -

3. Continue to participate in training provided by the Office of the Ombudsman and make use of guidance materials to lead Council's Right to Information procedures. In addition, Council to lobby the State Government to increase funding for the Ombudsman Office to ensure adequate staffing levels are reached to enable all RTI's referred to their office to be processed in a timely and efficient manner and to enable continual improvement of training and educational functions.

Despite the limitation to funding highlighted by the Office of the Ombudsman, Council officers estimate that around 90% of current applications are resolved by provision of full information without need for full assessment.

This level of detail is currently not captured and reported to Council but it could be if Council desires.

4. Assess if recommendations within the report were adequately implemented in the past 10 years, prepare a report of this progress according to the criteria outlined in the recommendations, and complete this assessment prior to May 1 2025 released to Councillors and the general public on its website.

The merit of undertaking this exercise has been debated at the AGM of 9 December and there is not further commentary to add to this. If Council wish to pursue this recommendation it will require some research given: -

- The passing of time from September 2013 to December 2024

- The review of actions over that time spanning different General Managers terms during that time: -
 - Greg Winton 2008 - 2014
 - Michael Stretton 2014 - 2017
 - Shane Crawford 2017 – 2024
- The change in Council elected member make up over that time: -

2011

Mayor – Robbie Walsh	David Moore
Deputy Mayor – Alwyn Friedersdorff	John Smith
Gary Bramich	Collen Dibley (elected 2009, continuing
Kevin Deakin	Mary Duniam (elected 2009, continuing
Darren Fairbrother (elected 2009, continuing)	Clayton Hawkins (elected 2009, continuing, resigned 20 June 2013 and replaced by Maureen Bradley on recount 15 July 2013)

2014

Mayor – Robbie Walsh	Maureen Bradley
Deputy Mayor – Mary Duniam	Kevin Hyland
Gary Bramich	Alwyn Friedersdorff
Stephen Wright	Darren Fairbrother

2018

Mayor – Robbie Walsh	Andrea Courtney
Deputy Mayor – Mary Duniam	Kevin Hyland
Gary Bramich	Darren Fairbrother
Celisa Edwards	Allie House – (resigned 2020; replaced by Maureen Bradley)

2022

Mayor – Mary Duniam	Kevin Hyland
Deputy Mayor – Celisa Edwards	Michael Johnstone
Gary Bramich	Leanne Raw
Andrea Courtney	Dillon Roberts

It may be prudent, if Council wish to pursue this, to defer the setting of a timeframe to align with the appointment of the next General Manager as this is not known or assured at this point in time.

The timeframe to provide a review of this nature is best to be guided by qualified advice so as not to either trade off the quality of research or set a perception of delay of results for any interested parties.

Given the above factors and particularly the timeframe, it is recommended that if Council wish to proceed with part 4 of the public motion from the AGM of 9 December 2024 that the setting of a timeframe for provision of a report deferred until a new General Manager is appointed and then determined with the provision of the successful candidates qualified advice.

An alternate recommendation for Council consideration, should Council wish to proceed with the intent of the public motion dot point 4 could be: -

4 Seek the new General Manager do a review of current practices and determine if any matters remain outstanding.”

5. Collaborate with the community during 2025 to develop a Transparency Policy, that seeks to promote good governance principles of openness, honesty, and transparency, to avoid further reputational risk resulting from existing practices.

There is merit in developing a policy as put in the public motion passed at the 9 December 2024 AGM and equally with community collaboration.

While there are many sources of information about Councils which is freely shared with the public there is not necessarily a single source to view this. In this instance, request for information can be contested under the provisions of the *Right to Information Act 2009* and reviewed by the Office of Ombudsman if necessary. Similar policies exist for many local government authorities in other Australian states which are guided by principles and requirements set in legislation for those states.

Most existing Transparency policies in other states go into detail to list what information is freely available to the public and what remains confidential and the reasons for this, some examples being the need to meet the requirements of the *Privacy and Data Protection Act 2014* in the case for Victoria.

Such a policy for Council might go some way to clarifying for community members a Council commitment to freely share information unless there are reasons legislative or other that would prevent this.

For Victoria, the *Local Government Act 2020* of Victoria sets these principles and requirements for Public Transparency policies.

It is anticipated that similar will come from the Tasmanian Government's review of the similar Tasmanian Statute being the *Local Government Act 1993* and this is also forecast in the recently published role of Local Government Priority Reform Program 2024-2026.

It is reasonably certain that the Office of the Ombudsman Tasmania would take a leading role for the Local Government Priority Reform Program 2024-26 and it would be useful for Council to be appraised of this first before collaborating with the Community on development of a Transparency policy.

Given Council has extensive practices, policies and guidelines in this space an alternate recommendation, that seeks the same in principle outcome, for Council's consideration is: -

5. Once appraised of any requirements from the Local Government Priority Reform Program 2024-2026, collaborate with the community to develop a Transparency Policy, that seeks to promote good governance principles of openness, honesty, and transparency, to continually improve existing practices.

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 1: Leadership and Governance
Desired Outcomes
1.4 We cherish fairness, trust and honesty in our conduct and dealings with all.
Our Priorities
1.5.1 Build our knowledge base to apply in decision-making processes.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
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.
Education	Lifelong learning and education – Education and lifelong learning is valued and there is access to vocational training and tertiary education. Education retention rates have increased.

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

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

CONSULTATION PROCESS

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

CONCLUSION

The public motion passed at the AGM is presented and recommended in full.

Some information and suggestions for addition or alternatives to some of the dot points of the 5 part motion are presented for Councillor consideration in the detailed section of this report and are considered to be in line with the intent of this public motion.

MOVED BY	CR HYLAND
SECONDED BY	CR RAW

That Council:

1. **Note the decision by the Ombudsman to direct Council to release in part, the 12-page report.**
2. **Further note parts of the report released by Council, remain redacted, as per the determination of the Office of the Ombudsman.**
3. **Note the current council workplace culture as evidenced by reports in the 2023/24 Annual report, provided by the previous General Manager.**
4. **Once appraised of any requirements from the Local Government Priority Reform Program 2024-2026, develop any policies or practices as required by any changes to the *Local Government Act*, that seeks to promote good governance principles of openness, honesty, and transparency, to continually improve existing practices.**

AMENDMENT TO THE MOTION

MOVED BY	CR RAW
SECONDED BY	CR JOHNSTONE

That Council:

1. **Note the decision by the Ombudsman to direct Council to release in part(scope, Exec summary and recommendations), the 12-page report.**
2. **Further note parts of the report released by Council, remain redacted, as per the determination of the Office of the Ombudsman.**
3. **Note the current council workplace culture as evidenced by reports in the 2021/22, 2022/23 2023/24 Annual report, provided by the previous General Manager.**
4. **Once appraised of any requirements from the Local Government Priority Reform Program 2024-2026, develop any policies or practices as required by any changes to the Local Government Act, guidance from the Ombudsman Office, the Good Governance Guide and Council’s Communication and Engagement Strategy that seeks to promote good governance principles of openness, honesty, and transparency, to continually improve existing practices.**

The AMENDED MOTION was put and was LOST.

IN FAVOUR

			CR EDWARDS
		CR JOHNSTONE	CR RAW

AGAINST

CR BRAMICH	CR COURTNEY	MAYOR DUNIAM	
CR HYLAND	CR ROBERTS		

MOVED BY	CR HYLAND
SECONDED BY	CR RAW

That Council:

- 1. Note the decision by the Ombudsman to direct Council to release in part, the 12-page report-**
- 2. Further note parts of the report released by Council, remain redacted, as per the determination of the Office of the Ombudsman.**
- 3. Note the current council workplace culture as evidenced by reports in the 2023/24 Annual report, provided by the previous General Manager.**
- 4. Once appraised of any requirements from the Local Government Priority Reform Program 2024-2026, develop any policies or practices as required by any changes to the *Local Government Act*, that seeks to promote good governance principles of openness, honesty, and transparency, to continually improve existing practices.**

The MOTION was put and was CARRIED.


IN FAVOUR

CR BRAMICH		MAYOR DUNIAM	CR EDWARDS
CR HYLAND		CR JOHNSTONE	CR RAW

AGAINST

	CR COURTNEY		
	CR ROBERTS		

9.3 DART STREET TRAFFIC SAFETY REVIEW

To: Council
Reporting Officer: Manager Engineering Services
Responsible Manager: Acting General Manager
Report Date: 4 December 2024
File Reference: Road Safety
Enclosures: 1. Old Bass Hwy - Dart Street Junction. Traffic Safety Review, Seabrook 

CR EDWARDS LEFT THE CHAMBERS AT 6.47PM

PURPOSE

To provide Council with an update to a motion that was put and carried at the February 2023 meeting in regard to conducting a traffic safety review at and around the intersection of Old Bass Highway and Dart Street, Seabrook.

BACKGROUND

At the Ordinary meeting of Council on February 2023 a motion was put and carried;

That Council do a traffic survey on the area at the junction of Dart Street and Old Bass Highway (and the immediate surrounds), to ascertain if any alterations can make the traffic and pedestrian flow smoother and safer.

DETAILS

Further to the aforementioned motion being put and carried, Council Officers have procured the services of a specialised traffic engineering firm to undertake a traffic safety review of the Old Bass Highway and Dart Street intersection.

Owing to the specialist nature of the works and restricted capacity to undertake the nature of the works in house, a specialist firm was sought and engaged to undertake the traffic safety review of the area.

The traffic safety review, as attached to this report, provides Council will several project deliverables that will improve traffic and pedestrian safety and amenity in the area. These projects will be prepared and submitted for consideration as part of Councils annual plan and budget considerations for 2025/26, a visual extract of the main proposed improvements from the enclosed report is as per the below: -

Figure 32 Old Bass Hwy / Dart Street junction improvement



STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 6: Transport and Access
Desired Outcomes
6.2 Our transport and access network is sustainable, affordable and fit for purpose.
Our Priorities
6.2.2 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

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

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no direct financial implications as a result of this report, however the deliverable recommendations of the Traffic Safety Review will have future financial implications that will be considered throughout the budgetary preparation process.

RISK IMPLICATIONS

Delivery of the recommendations of the Traffic Safety Review will improve traffic and pedestrian safety in the vicinity of Old Bass Hwy and Dart Street resulting in a reduced risk level for all users of the area.

CONSULTATION PROCESS

Directly impacted business owners and residents will be notified of the works and consulted throughout the stages of design preparation if adopted through Council budgeting. The proprietors of Bruces Café have been consulted on the attached report and officers understand they are comfortable with the recommendations.

CONCLUSION

In consideration of the context of this report it is recommended that Council note the Traffic Safety Review prepared for the Old Bass Hwy and Dart Street intersection area and progress with the preparation of budget submission to consider for inclusion in the 2025/26 Annual Plan and Budget.

MOVED BY	CR RAW
SECONDED BY	CR HYLAND

That Council:

- 1. Note the Traffic Safety Review prepared for the Old Bass Hwy and Dart Street area and the recommendations contained within, and;**
- 2. Prepare budget submission for the 2025/26 annual plan and budget to deliver the recommendations of the report.**


The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

CR EDWARDS RETURNED TO THE CHAMBERS AT 6.50PM

9.4 WYNYARD TO STANLEY AND SMITHTON SHARED TRAIL FEASIBILITY AND PRE-DESIGN STUDY

To: Council
Reporting Officer: Strategic Projects Manager
Responsible Manager: Director Infrastructure and Development Services
Report Date: 13 November 2024
File Reference: GN01
Enclosures: 1. Wynyard to Stanley and Smithton Shared Trail Feasibility and Pre -Design Study 

PURPOSE

To formally present the “Wynyard to Stanley and Smithton – Shared User Trail feasibility report” to Council.

BACKGROUND

In late 2023 Council was successful in securing funding under the Tasmanian State Government program “Better Active transport in Tasmania” to prepare a feasibility report for a shared user trail – Wynyard to Stanley and Smithton.

At the time of the application Circular Head Council advised of their interest in participating in the project.

Following a tender process Consultants Burchills Engineering Solutions were engaged to undertake the project.

In overview the project brief considered:

- Strategic environment
- Infrastructure and Technical assessment
- Economic Assessment
- Cost benefit analysis
- Project risks

The report has now been completed. A copy of the report is attached. Access to the attachments referred to in the report has been provided separately due to the large size of the files.

DETAILS

The Executive summary in the report presents a very good overview of the project and outcomes and is reproduced below.

Burchills Engineering Solutions (Burchills) have been engaged by Waratah-Wynyard Council (Council) to undertake the feasibility assessment and pre-design phases for the potential future Wynyard to Stanley and Smithton Shared User Trail. This project aims to enhance tourism, improve community health, and stimulate economic growth in the region.

This project continues from the previous planning that was undertaken by Council in the Wynyard to Smithton Shared User Trail Pre-Feasibility Report which provided an 88km shared user trail from Wynyard to Smithton with an additional connection to Stanley. However, following the site inspection, it was agreed early in the project that the connection between Stanley and Smithton presented many variables for the route which could negatively affect the feasibility of the overall project. Therefore, it was agreed that Burchills would undertake a high-level assessment only for the Smithton connection and the bulk of this report discusses the Wynyard to Stanley trail.

The proposed shared user trail will extend the Northwest Coastal Pathway from the south in Wynyard and will cover approximately 74 km to Stanley. The trail includes 25 km in the Waratah-Wynyard Local Government Area and 49 km in the Circular Head Local Government Area, primarily utilising the decommissioned Far Western Railway Corridor and generally along the alignment of Bass Highway and Stanley Highway. Trailheads are proposed to be implemented in Wynyard, Myalla and Stanley.

This report outlines the project's key opportunities and constraints including strategic alignment, land tenure considerations, legislative requirements, environmental and cultural assessments, and potential economic benefits. It was found that in general there were no significant obstacles that could derail the project.

The project aligns with objectives at local, regional, and state levels, including:

- Promoting jobs and economic growth in North-West Tasmania through tourism, construction and ongoing maintenance of the facility;*
- Enhancing the health and wellbeing of Australians by providing active tourism, recreation and transport opportunities; and*
- Ensuring the productive use of government-owned land and assets.*

The study identifies several considerations that will be critical should the project be deemed feasible and progress to future planning and design phases.

- Land Tenure: Involvement of current landowners and managers, particularly TasRail, is crucial. It is understood that TasRail supports repurposing the corridor for more productive use;*
- Legislative Requirements: Compliance with state and local regulations for converting rail corridors to shared user pathways is necessary and a key strategic risk if the corridor conversion to a Strategic Infrastructure Corridor is rejected; and*
- Environmental and Cultural Assessments: The project must address natural values, contaminated land, coastal erosion, heritage sites, and Aboriginal sites within proximity to the trail. Future planning and fieldwork will be required when impact footprints are known.*

The study concludes that the specific issues related to the trail's development are manageable and will need to be addressed in future planning and design phases. It is recommended that community engagement is undertaken early and throughout the project process to reduce the likelihood of negative feedback during the public notification for Ministerial Declaration and Development Application processes.

The cost-benefit analysis reveals substantial economic benefits, including increased tourism revenue and health-related savings. The trail is projected to generate significant expenditure from both local and visiting users, creating opportunities for businesses such as equipment hire, guided tours, and accommodation services. The costs considered in the analysis included the construction cost based on the estimate provided in the Pre-Design Study (Appendix A), maintenance and depreciation costs as estimated in Section 7.

A conservative and optimistic scenario assessment was undertaken to account for increased costs and decreased benefits and both scenarios yielded a CBR of above 1, with Net Present Values shown below.

Result area	Conservative scenario	Optimistic scenario
Benefit cost ratio	1.2	4.4
Net present value	\$7.4 Million	\$109.8 Million

Overall, the Wynyard to Stanley Smithton Shared User Trail represents a relatively low-cost, low-risk project with high potential benefits. By leveraging the region's natural beauty and promoting active tourism, the trail can significantly enhance North-West Tasmania's economic and social landscape, making it a more attractive place to live and visit. The project should proceed with careful planning and community engagement to ensure its success and sustainability.

This report was presented by the report authors to a joint workshop of the Circular Head and Waratah Wynyard Councils.

While the report provides a sound basis for the Waratah Wynyard and Circular Head Councils to understand the range of risks, costs and opportunities associated with the development of a shared user trail between Wynyard and Stanley, to take the project forward would require a significant body of work to be progressed.

Key matters to consider / explore going forward include:

- Community consultation
- Ownership models of the asset (other than Local Government)
- Capital funding and operational cost models.
- Legislation to repurpose the rail corridor.
- Detailed design
- Approval process

Each of the Councils have existing forward works programs, infrastructure strategies and the like which detail planned major projects and initiatives.

In light of such commitments, it is recommended to Council that at this point in time it only receives the "Wynyard To Stanley & Smithton Shared User Trail Feasibility Report" for noting.

This signals to the community and possible project stakeholders that the project is of interest to Council. Should funding or partnering opportunities arise the study will aid Council in

considering the relative merit / need of this project against a range of other equally significant projects that would benefit the community.

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

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

Sustainable Murchison Community Plan 2040

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

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

The costs associated with preparing the report were funded by a grant.

To provide an understanding of the costs implications of delivering the Wynyard to Stanley Shared User trail project, the following information is provided.

Concept level cost estimates

Capital Cost element	Conservative cost	Optimistic Cost
Construction	\$19,640,000	\$18,750,000
Contingency	\$7,850,000	\$7,500,000
Design, project management, supervision	\$3,530,000	\$2,810,000
	\$31 Million	\$29 Million

In addition, there will be ongoing operational costs

Operational cost estimates

Operating costs	Value per annum	Comment
Annual Maintenance	\$143,000	Cost to increase by CPI per annum. Combined total across both Councils.
Asset renewal allowance	\$55,700	Cost to increase by CPI per annum. Combined total across both Councils. This value is a provision for capital works interventions on structures (refer 7.7 of report) not full depreciation.

Considering a conventional approach to depreciation the cost implication across the two Councils is shown as an estimate in the table below.

Cost scenario	Value	Useful life (average)	Annual depreciation (p/a)
Conservative	\$31,000,000	50	\$620,000
Optimistic	\$29,000,000	50	\$580,000

Actual depreciation will depend upon final project costs, how cost components are recognised e.g. are design costs expensed, useful lives assigned etc.

Council's approach to asset take-up and depreciation will impact the cost / benefit calculations.

Council will decide at some time in the future as to the relative merits of progressing with this project.

It is clear though that external grant funding will need to be a significant part of the capital funding stream for the project.

Ownership/ operational models will need to be explored for the project. Should a third party accept this responsibility then cost implications associated with operations, and depreciation would be reduced for the Council.

It is important to note that development of this trail can be incremental and therefore there are incremental financial implications that can be considered. Part of further project development can include breaking the project into stages for implementation.

RISK IMPLICATIONS

There report identified are range of high-level risks.

Potential Project and Strategic Risks	Anticipated Risk to Project	Recommended Action
Lack of support from community members, affected landholders and relevant community user groups.	Moderate – Likely to be at least some people against the project	Undertake community engagement process. Identify key advocates in the community who support and can promote the project.
Disagreement or misunderstanding between government parties (particularly WWC and CHC) on maintenance responsibilities of the trail.	Low – WWC and CHC have been involved in the feasibility study and have an open dialogue	Key stakeholders from both Councils should be engaged with and made aware of process and expected future costs.
Rejection of conversion to a Strategic Infrastructure Corridor.	Moderate – project feasibility relies on the SIC declaration	Engage with the Crown Land / Minister early. Prepare a well-put together proposal following community and stakeholder engagement.
Delays to project development extending the time between planning and construction which could lead to unforeseen cost escalation due to inflation, supply chain issues, etc.	Moderate – Time between Feasibility and construction could be many years.	Map out project timeline and key milestones. Review predicted costs prior to grant funding applications. Liaise with industry or track cost escalations in other construction projects.
Additional design requirements by DSG not accounted for in this feasibility study leading to additional scope and costs.	Low – Liaised with DSG in feasibility. Contingency allowed for in costing	Continue liaising with DSG, allow for safety assessments during design phase to satisfy DSG requirements.

Potential Project and Strategic Risks	Anticipated Risk to Project	Recommended Action
The existing bridges are in varying conditions requiring replacement, repair and/or refurbishment. The proposed treatments may not be appropriate following further engineering inspections.	High – Bridge treatments were costed based on visual inspection only	Undertake Detailed Engineering Bridge Inspections (Level 3) to confirm exact requirements for repairs or upgrade works.

CONSULTATION PROCESS

In preparing the report the Consultants consulted with

- Council Officers (CHC and WWC)
- State Government Agencies
- Specialized subconsultants (Environmental, natural values)
- Tarkine Coast progress Group

The report suggest that a comprehensive community consultation phase would be an important early action were the shared user trail project to progress to a detailed design phase

CONCLUSION

The “Wynyard to Stanley and Smithton – Shared User Trail feasibility report “provides a basis for Council to consider the broader community benefits arising from developing a shared user trail between Wynyard and Stanley. As well as the potential cost implications.

Progressing the project will require a joint commitment from both the Circular Head Council and Waratah Wynyard Council to the project and external funding to facilitate the detailed design and delivery.

MOVED BY	CR HYLAND
SECONDED BY	CR BRAMICH


That Council notes the attached “Wynyard to Stanley and Smithton – Shared User Trail feasibility report “

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

9.5 SUSTAINABILITY AND ENVIRONMENTAL ADVISORY PANEL - PROPOSED OFFSHORE OIL AND GAS MOTION

To: Council
Reporting Officer: Manager Recreational Planning and Environment
Responsible Manager: Acting General Manager
Report Date: 2 December 2024
File Reference:
Enclosures: 1. Briefing Note - Proposed Motion Offshore Oil and Gas Exploration 

PURPOSE

To consider a recommendation put forward from the Council's Sustainability and Environmental Advisory Panel advocating for a motion to LGAT in regards to offshore oil and gas exploration in Tasmanian waters.

BACKGROUND

A recommendation from the Sustainability and Environmental Advisory Panel's (SEAP) 20 February 2024 meeting regarding offshore oil and gas was first tabled with Council at the 18 March 2024 meeting, which was: -

That develop a position statement opposing further offshore oil and gas exploration and development in waters off Tasmania, consistent with its commitments in Council's Integrated Council Environmental Plan (iCEP), due to its negative impact on north-west Tasmania's marine resources and contribution to climate change.

The published Council agenda of 18 March 2024 noted that: -

- Council has not formed any opinion or position on these matters previously (outside the principles adopted within the Environmental and Sustainability Policy and iCEP), nor is it fully informed and educated on the subject.
- Council has no formal authority in relation to marine based activities and any involvement would be limited to advocacy.
- Council has not facilitated or coordinated any public discussions regarding this subject (outside the discussion held with the SEAP) and has no plans to undertake such consultation at this time.

In consideration of the above, the following recommendation to Councillors in relation to the recommendation from SEAP was made at the 18 March 2024 meeting:

That Council note the recommendation from the SEAP to develop a position statement opposing further offshore oil and gas exploration and development in waters off Tasmania, consistent with its commitments in Council's Integrated Council Environmental Plan (iCEP), due to its negative impact on north-west Tasmania's marine resources and contribution to climate change and determine not to address this action at this time.

Councillors resolved at the 18 March 2024 meeting to lay the recommendation on the table until a workshop was held. It was noted that Council has no formal authority in relation to

marine based activities and that any involvement would need to be limited to advocacy rather than a position statement adopted by council.

At the 20 August 2024 meeting of SEAP, a revised recommendation was made to Council, which was: -

- A. *That LGAT establish a Position Statement consistent with the Paris Agreement on offshore oil and gas exploration and development in Tasmanian and adjacent Commonwealth waters off Tasmania.*
- B. *That LGAT advocate to Tasmanian State and Federal Government to not approve any new offshore oil and gas exploration and development in Tasmanian and adjacent Commonwealth waters.*

The published agenda of Council for 16 September had the following recommendation in relation to the recommendation made by SEAP:

That Council convene a workshop with interested SEAP members to be further informed of the recommended motion to the Local Government Association of Tasmania regarding offshore oil and gas exploration in Tasmania and adjacent Commonwealth waters off Tasmania.

A workshop was subsequently held on the 11 November 2024, attended by three SEAP members. The workshop provided insights on current climate science, the impacts of offshore oil and gas exploration and how it relates to local, state and federal policy. Following the workshop, the proposed motion has been updated to reflect the latest science and to refocus the summary in order to express the implications for communities and councils.

DETAILS

Council's Sustainability and Environmental Advisory Panel (SEAP) has recommended that council act within its capacity to advocate for an end to offshore oil and gas exploration and development in Tasmanian and Commonwealth waters off Tasmania, consistent with its award-winning Integrated Council Environmental Plan 2020-2030 (iCEP) and in line with state and federal commitments to act consistently with the Paris Agreement and the latest and best available science.

The continued expansion of oil and gas in waters off Tasmania is inconsistent with our community and global efforts to reduce climate pollution, while also damaging to our marine life and coastal economy.

Oil and gas are polluting fossil fuels which are driving climate change. The exploration and extraction of offshore oil and gas is an inherently risky process with the potential to impact on Tasmania's marine resources directly and indirectly at both the resource survey stage and during resource drilling and extraction. The continued development of new fossil fuel projects is inconsistent with modelled pathways to net-zero emissions and a safe climate future.

The latest science on global temperatures and greenhouse gas emissions show that local and global emissions reduction efforts are well off track to meet the Paris Agreement goal of limiting global warming to well below 2°C and aiming for 1.5°C above pre-industrial levels. Endorsement of offshore oil and gas exploration and extraction by other tiers of government is one example of actions that are not consistent with emissions reductions targets.

Tasmanian local governments, such as Waratah-Wynyard Council, do not have jurisdiction over the exploration, development and management of offshore oil and gas yet they are at the forefront of the impacts of our changing climate and other detrimental impacts of offshore oil and gas exploration and development, including oil spills and seismic testing.

The proposed motions to the Local Government Association of Tasmania seek to acknowledge that offshore oil and gas development off Tasmania impacts upon Tasmanian Local Governments and the communities that they serve. The motions propose the development of a Position Statement by LGAT on offshore oil and gas development that demonstrates Local Governments commitment to climate mitigation consistent with the science, and to advocate to the Tasmanian State and Federal Government to also act on their commitments to effective climate action.

Proposed motions to Local Government Association of Tasmania:

- 1. That LGAT establish a Position Statement on offshore oil and gas exploration and development in Tasmanian and Commonwealth waters off Tasmania consistent with the goals of the Paris Agreement and latest and best available science.*
- 2. That LGAT advocate to Tasmanian State and Federal Government to not approve any new offshore oil and gas exploration and development in Tasmanian and Commonwealth waters.*

Council, through its Integrated Council Environment Plan (ICEP) 2020-2030, has committed to undertake and promote climate action and increased ambition. Advocating to LGAT on this topic demonstrates council's commitment to the principles expressed within ICEP and the commitment to being a climate leader within the local government industry. Through the LGAT meeting, other local governments can be informed on the matter and vote on the motion as proposed.

STATUTORY IMPLICATIONS

Statutory Requirements

There are no statutory implications as a result of this report. Council does not have any head of power in relation to marine waters and can only advocate within its capacity for a change to Tasmanian and Federal policy.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 7: Environment
Desired Outcomes
7.2 The community understands its vulnerabilities and strengths when it comes to climate change adaptation and resilience.
Our Priorities
7.1.2 Advocate for effective environmental management and contribute to regional, state, and national climate change initiatives.

Sustainable Murchison Community Plan 2040

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

POLICY IMPLICATIONS

The proposed motion is consistent with the Council’s Environmental Sustainability Policy. Specifically, it relates to the following clauses of the Policy:

- 3.1 – Council accepts the science behind current climate change projects and makes decisions based on legislation, level of risk and the best available scientific evidence and advice
- 3.5 (a) – Council will follow the guiding principles and implement the actions outlined within the Integrated Council Environmental Plan 2020-2030
- 3.5 (c) - Effectively respond (where there is no permit for that type of activity) to increasing pressures on the physical environment, such as climate change, pollution, invasive species, land degradation and land development;
- 3.5 (d) – Build capacity within and partner with the community, other tiers of government and relevant stakeholders to protect the environment and Aboriginal heritage values, to share information and promote effective action;
- 3.5 (h) – Being an active contributor to regional and state-level climate initiatives;
- 3.5 (i) – Advocating for regional collaboration, effective environmental management and other climate action initiatives

ENVIRONMENTAL IMPLICATIONS

The purpose of the SEAP, their discussions and any subsequent recommendations are intended to advise Council on ways to:

- Protect and enhance our natural values
- Reduce our environmental footprint
- Provide education and access to relevant environmental information
- Improve the community’s adaptability and resilience to climate related risks

The proposed motion seeks for a change to Tasmanian and Federal policy to remove the negative environmental impacts on Tasmania’s marine resources from offshore oil and gas exploration.

To this end, the recommendations to Council are consistent with its iCEP and in line with state and federal commitments to act consistently with the Paris Agreement.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report or advocating to LGAT.

RISK IMPLICATIONS

Previously, Council considered a recommendation from the SEAP to adopt its own position statement relating to offshore oil and gas exploration, which was deferred for discussion due to the risks associated with community perception on council having greater authority or involvement in marine based activities that what is the case.

The recommendation as proposed requires Council to advocate within its capacity to the LGAT, which ultimately reduces the risk as it does not imply Council has any involvement outside its commitment to environmental sustainability through its adopted policy and iCEP.

A residual risk remains in that council has not consulted with the broader community directly on this topic and therefore it is not clear whether the proposed motion is consistent with the views of the community. This risk is mitigated by the extensive consultation undertaken during the development of iCEP and adoption of the Environmental Sustainability Policy.

CONSULTATION PROCESS

Should Council endorse the recommendation as proposed, a submission of motion and all relevant information would be prepared for inclusion on the LGAT agenda ahead of the next available meeting in April 2025.

CONCLUSION

It is therefore recommended that Council advocate, within its capacity, to the LGAT to establish a position statement and advocate to state and federal governments regarding offshore oil and gas exploration and extraction.

There are some risks associated with this, primarily because Council has not consulted the broader community directly on the topic, however the previous consultation through development of iCEP is generally consistent with this recommendation.

MOVED BY	CR EDWARDS
SECONDED BY	CR COURTNEY

That Council:


- Note the attached Briefing Note from the Sustainability and Environmental Advisory Panel regarding the proposed offshore oil and gas motion; and**
- Resolve to Advocate to the Local Government Association of Tasmania (LGAT) regarding offshore oil and gas exploration in Tasmania and adjacent Commonwealth waters off Tasmania**

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

9.6 FOSSIL BLUFF AND SURROUNDING TRAILS MASTER PLAN - ANNUAL PLAN

To:	Council
Reporting Officer:	Contracts and Administration Officer
Responsible Manager:	Acting General Manager
Report Date:	3 December 2024
File Reference:	Fossil Bluff and Surrounding Trails Master Plan
Enclosures:	1. Fossil Bluff Action Status Report 

PURPOSE

To provide Council with an annual update on the status of the actions contained within the Fossil Bluff and Surrounding Trails Master Plan (FBMP).

BACKGROUND

In 2020 Wynyard Landcare, prepared a Fossil Bluff Reserve Management Plan that discussed strategies to enrich the biodiversity of the conservation area and educate the community. The plan considered revegetation, control of invasive weeds, fire management, track maintenance, education and research activities.

In collaboration between Wynyard Landcare, Parks & Wildlife and Council some agreement on the care and conservation of Fossil Bluff Reserve was reached. It was determined that a Reserve Management Plan be included within a broader Master Plan for the Reserve and surrounds to enhance the entire area through education and exploration. Following a four-week consultation process, 70 responses were received from the community and considered prior to the plan being adopted by Council in October 2021.

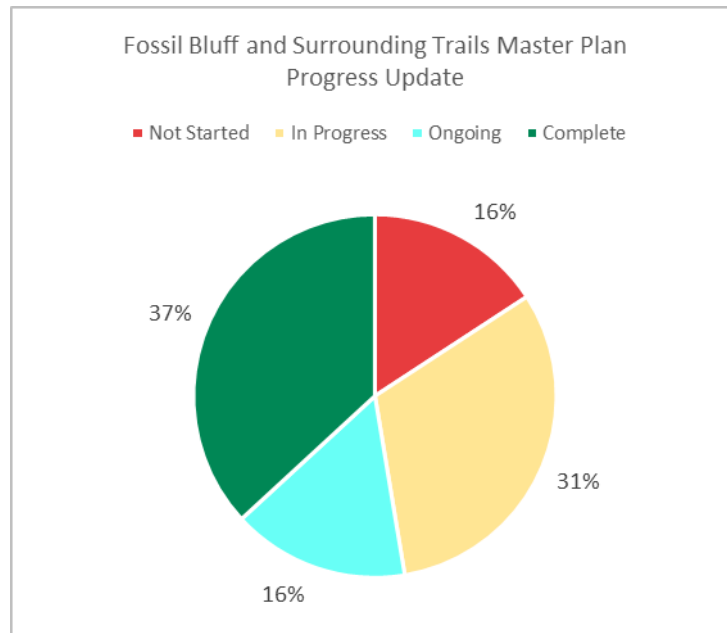
DETAILS

The FBMP proposes 19 actions to cover the themes: Land Management / Biodiversity; Geological Interests; Tourism, Lookouts & Trails; Aboriginal & Cultural Heritage; Historical Interests in three key action areas. The actions address key concerns around maintaining the reserve, safety, infrastructure, tourism and education.

An update of the activities undertaken against each action has been included in the table attached to this report.

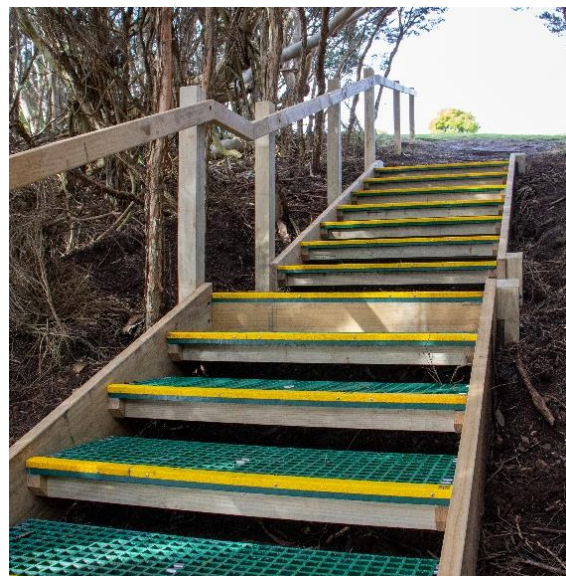
Of the 19 actions, seven have been completed, six are 'in progress' and three are 'ongoing' activities embedded into standard business practice. The remaining 3 actions have 'not started' or are not scheduled to commence until later in the five-year plan for Fossil Bluff and surrounds.

Details on progress are shown in the summary graph below.



Key activities completed in the last financial year include:

- Replacement of both the north-western and south-eastern stairways leading to the top of Fossil Bluff.
- Installation of furniture on Freestone Cove foreshore to create additional picnic spaces and enhance use.
- Ongoing biodiversity planting to the bluff and foreshore areas.



**North-Western Stair from Freestone Carpark to Bluff
(Before & After)**



**South-Eastern Stair from Bluff to Golf Links Road
(Before & After)**



New Picnic Furniture Additions – Freestone Cove Foreshore



Biodiversity Plantings to Bluff top – Wynyard Landcare

Planned actions to be delivered during the 2024/25 financial year are:

- Continue working with the palawa liaison and community working group to ensure cultural consideration is included in planned interpretive signage for the area.
- Works to the River Walk along Golf Links Road are planned during the year.
- Upgrade to the path between 6-8 Inglisdale Drive.

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 3: Connected Communities
Desired Outcomes
3.1 Waratah-Wynyard is a modern community—moving forward but not forgetting where it started.
3.2 We listen and engage with our community in decision making.
3.3 Our natural and built environment aids the community with an active and healthy lifestyle.
Our Priorities
3.1.1 Deliver planning for activation through effective urban design and planning that promotes liveability, social gathering and connectedness, and which recognises and celebrates local history.
3.1.2 Promote and strengthen community safety to retain and attract families to live and recreate in Waratah-Wynyard.
3.2.1 Deliver engagement strategies that adapt to community needs to ensure effective communication and collaboration.
3.3.2 Facilitate activities and events that promote inclusion, health, safety and a sense of place.
GOAL 4: Community Recreation and Wellbeing
Desired Outcomes
4.1 Our community is welcoming and supportive.
4.2 Our community values, encourages and supports physical, social and cultural activities.
4.3 We provide recreational opportunities to the community for all ages and abilities.
4.4 Our community enjoys access to visually appealing safe spaces and facilities for recreation.
Our Priorities
4.1.1 Collaborate with community organisations that provide recreation opportunities to our community.
4.2.1 Focus on the value of recreation in promoting the health and wellbeing of our community.

4.3.1 Commit to ongoing recreation and open space planning to ensure evidence-based decisions are made about the role of Council and its partners in recreation.
4.4.1 Employ land-use planning strategies to promote connectivity and equity in the allocation or use of open space for recreation purposes.
4.4.2 Provide and maintain quality and safe places and spaces for physical, social and cultural activities, including shared and multi-use facilities where possible.

GOAL 7: Environment
Desired Outcomes
7.1 Council and the community minimise its resource consumption and carbon footprint.
7.2 The community understands its vulnerabilities and strengths when it comes to climate change adaptation and resilience.
7.3 Our natural environment, unique surroundings and community assets are future ready in a changing climate.
7.5 Stewardship of our land, water and marine ecosystems respects past, present and future generations.
Our Priorities
7.1.2 Advocate for effective environmental management and contribute to regional, state, and national climate change initiatives.
7.2.1 Support and foster community led adaption and initiatives.
7.3.1 Facilitate education and awareness of climate change risks to the community and property owners.
7.3.2 Embed environmental considerations and potential climate impacts in Council’s infrastructure planning and decision making.
7.3.3 Innovative and sustainable design is encouraged through forward thinking and planning.
7.5.1 Protect, enhance and recover biodiversity through forward thinking and planning.
7.5.2 Mitigate biosecurity risks through landscape restoration and industry 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.
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.

POLICY IMPLICATIONS

There are no policy implications as a result of this report. Any policy created as an outcome of individual projects undertaken as part of the FBMP’s recommendations will be subject to the Council’s standard Policy approval process.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications as a result of this report, however the plan recognises the natural values of this site and surrounds and actions have been tailored within the plan accordingly.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this progress update. Individual projects undertaken as part of the FBMP's recommendations will be subject to the Council's standard budget approval process.

RISK IMPLICATIONS

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

CONSULTATION PROCESS

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

CONCLUSION

It is recommended that Council note the annual status update on the progress of the Fossil Bluff and Surrounding Trails Master Plan.

MOVED BY	CR ROBERTS
SECONDED BY	CR JOHNSTONE

That Council note the annual status update on the progress of the Fossil Bluff and Surrounding Trails Master Plan.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

9.7 QUARTERLY INFORMATION REPORT - ORGANISATIONAL PERFORMANCE

To:	Council
Reporting Officer:	Governance Officer
Responsible Manager:	Acting General Manager
Report Date:	11 November 2024
File Reference:	Quarterly Statistics
Enclosures:	Nil

PURPOSE

To provide statistical information and a quarterly update on the activities of Council for activities undertaken within the following Directorates and Departments:

Office of the General Manager:

- People and Safety
- Organisational Performance:
- Economic Development
- Governance and Information Systems
- Risk Management

BACKGROUND

This report is part of a regular reporting framework to inform Council of activities undertaken across the organisation on a quarterly basis. Each month, a quarterly information report is provided on rotation for each Directorate:

- Community and Engagement (July, October, January, April)
- Infrastructure & Development Services (August, November, February, May)
- Organisation Performance (September, December, March, June)

PEOPLE AND SAFETY

People and Safety provide human resource management services including health, safety and wellbeing and advice to maximise the value of Council's significant investment in a skilled workforce. The team has a strong focus on supporting the organisation to attract, retain and develop the workforce we need to deliver services to the community.

Staff Numbers and Statistics

Staff Numbers as at:		30 November 2024					
	Permanent Positions		Temporary Positions			Total	Fulltime equivalent
	Full-time	Part-time	Full-time	Part-time	Casual		
Indoor	34	14	4	2	8	62	50.9
Outdoor	28	2	6	0	0	36	29.2
Childcare	8	11	0	5	5	29	21.5
Total	70	27	10	7	13	127	101.6

As at 30 November Council employed 127 people equivalent to 101.6 full time employees.

Statistics	Ave. Yrs Service	Gender			Ave. Age
		Female	Male	Other	
Indoor	7.7	39	23	0	45.4
Outdoor	8.4	5	31	0	44.9
Childcare	9.5	29	0	0	38.2
Total	8.5	73	54	0	42.9

Age Demographic			Gender Demographic		Management Demographic		
Under 30 years	30	23.6%	Female	57%	Female	6	50%
30-45 years	34	26.8%	Male	43%	Male	6	50%
45-55 years	24	18.9%	Other	0%	Other	0	0%
55 years and	38	29.9%					

Diversity Statistics	Yes	No	Undisclosed
Aboriginal or Torres Strait Islander	6%	91%	3%
Culturally or linguistically diverse	2%	95%	3%
Special needs or additional learning support requirements	2%	95%	3%

ATSI - Aboriginal or Torres Strait Islander, CALD - culturally or linguistically diverse, Special needs or additional learning support requirements

Turnover Rate of Permanent Staff

1.0% Average (*Permanent Departure rate divided by total permanent employee rate*)

9.5% Average Annual Turnover (ABS - February 2023)

The turnover rate for the quarter is 1%, this compares to average staff turnovers for all industries of 9.5% as published by the ABS.

Council's average years of service is 8.5 years.

New Starters/Departures

New Starters & Departures this Quarter							
		Permanent Positions		Temporary Positions			Total
		Full-time	Part-time	Full-time	Part-time	Casual	
New Starters	Indoor	1	2	0	0	0	3
	Outdoor	1	0	1	0	0	2
	Childcare	0	0	0	0	0	0
	Total	4		1		0	5
Departures	Indoor	0	0	0	0	0	0
	Outdoor	1	0	0	0	0	1
	Childcare	0	0	0	0	0	0
	Total	1		0		0	1

Council inducted five (5) new employees throughout the reporting period and had one (1) employee departures.

Recruitment Activity

The following recruitment activity has occurred between 1 September and 30 November 2024.

Position	Date Advertised	Offer Signed	Working days to fill
Manager Works & Services	28-Jun-24	14-Oct-24	77
Waratah Customer Service Officer	05-Sep-24	03-Oct-24	23
Manager Tourism & Corporate Communication	27-Aug-24	22-Oct-24	41
Civil Works Casuals		Ongoing	
Community Development Officer (Events)		Ongoing	
Average days to fill vacancies this quarter			47

Absenteeism Rate/Labour Hire Engagement

	Absenteeism Rate				Labour Hire Engagement for period		
	Personal Leave Taken	Hours Worked	Absent Rate	Full Time Equivalent	Total Workers	Hours	Cost (ex. GST)
Indoor	776	26730	2.8%	0.39	0	0	\$ -
Outdoor	714	15524	4.4%	0.36	3	1229.5	\$ 69,439
Childcare	163	11455	1.4%	0.08	0	0	\$ -
Total	1653	53709	3.0%	0.84	3	1229.5	\$ 69,439

WORK HEALTH AND SAFETY

Incident/Hazard Report Forms received this Quarter							
	Incident	Hazard	Near Misses	Injury/ Illness	Property/ Plant Damage	Verbal Abuse	Total Reports
Indoor	0	0	0	0	0	0	0
Outdoor	2	1	1	6	16	4	30
Childcare	0	0	1	1	0	0	2
Total	2	1	2	7	16	4	32

Reporting contributes to safety improvements and education to improve health and safety outcomes for the workforce.

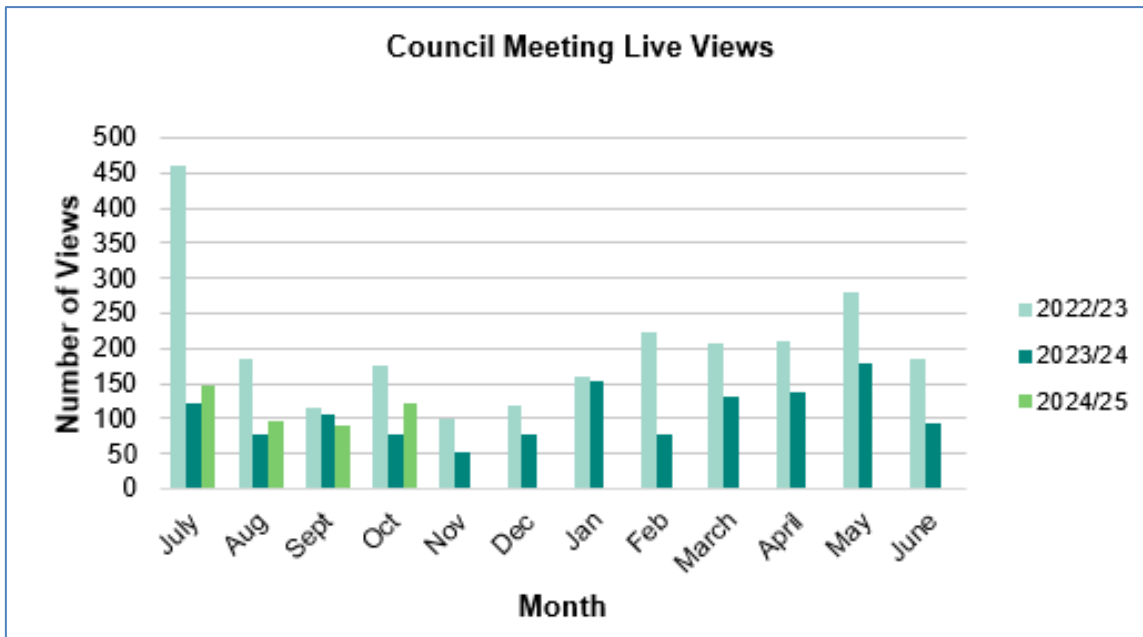
Lost Time Injury and Workers Compensation Cases

Lost Time Injury Frequent Rate (LTIFR) and Workers Compensation Cases for this Quarter

	No. of LTI's	Lost Time Injuries (hrs)	Hours Worked in Period	LTIFR	Total New WC Cases	Ongoing WC Cases	Finalised WC Cases
Indoor	0	0	26730	0.00	0	0	0
Outdoor	0	0	15524	0.00	0	0	0
Childcare	0	0	11455	0.00	0	0	0
Total	0	0	53709	0.00	0	0	0
LTIFR Industry Benchmark				12.6			

Council had seven (7) injuries throughout the reporting period. None of the injuries were turned into workers compensation claims and were all treated with first aid. We had no lost time injuries for the reporting period.

Council Meeting Live Stream Views – Ordinary Meetings



*November 2024 stats not available due to technical issues

Policies Adopted by Council

The following policies were adopted by Council for the period 01 September 2024 – 30 November 2024:

- Managing Unreasonable Customer Conduct Policy
- Disruptive Behaviour by the Public at Council Meetings Guidelines

Workplace Policies Reviewed

The following workplace policies were reviewed and adopted by the Senior Management Team for the quarter:

- Anti-Discrimination, Harassment and Bulling Policy
- Anti-Discrimination, Harassment and Bulling Complaints Procedure
- Business Continuity Policy and Framework
- Hearing Conservation Procedure
- Mental Health First Aid Officer Procedures
- Suite of Child Care Policies Reviewed

Complaints

Council received 1 formal complaint during the period 01 September 2024 – 30 November 2024 relating to Council’s response to storms and power outages.

Tenders & Contracts

In accordance with Council's Procurement Policy the following table is provided for all contracts awarded YTD for 2024/25 over \$100,000.

Contract No And Description	Name and Address of Contract Holder	Contract Dates	Contract Extension Options	Contract Value at Start Date
817 – Design and Construction of the Sisters Beach Playground Replacement	Active Areas Pty Ltd	18/08/2024 – 13/12/2024	N/A	\$300,000.00
818 – Design and Construct Waratah Playground	A Space Australia Pty Ltd	06/08/2024 – 13/12/2024	N/A	\$175,000.00
820 – Bitumen Surfacing Services (joint contract basis with CHC)	Roadways Pty Ltd	04/09/2024 – 28/02/2025	N/A	\$421,833.00
821 - Architectural Services – New Childcare Centre	Licht Architecture Pty Ltd	01/11/2024 – 08/09/2025	N/A	\$331,012.50
822 - Boat Harbour Beach Community Facility and Foreshore Precinct Development	Fairbrother Pty Ltd	24/10/2024 – 02/03/2025	N/A	\$11,569,074.96
823 - Site Main Switchboard Upgrade - Electrical Services	Frontline Electrical	02/10/2024 – 28/02/2025	N/A	\$133,268.55
824 - Consultant Services - Wynyard Indoor Training Facility - Design and Document	ARCH dwp	25/09/2024 – 31/03/2025	N/A	\$167,580.00
825 – Lighting Installation Langley Park Somerset	McWilky's Electrical Contractors	25/11/2024 – 01/06/2025	N/A	\$304,338.80
828 – Coopers Lane Intersection Realignment	Walters Contracting Pty Ltd	21/11/2024 – 28/02/2025	N/A	\$134,802.50

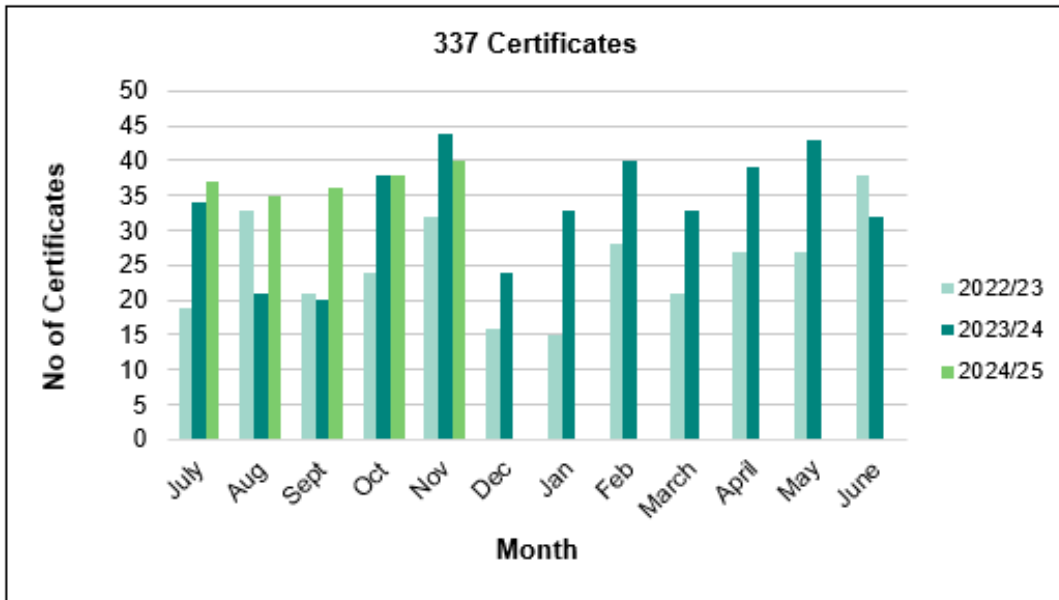
Non-Application of Public Tender Process

Pursuant to Section 72(1)(e) of the *Local Government Act 1993* there were no contracts awarded where the public tender process was not applied.

Council and Land Information Certificates (337)

Graphical analysis is provided demonstrating the total number of certificates issued for the reporting period compared to last year.

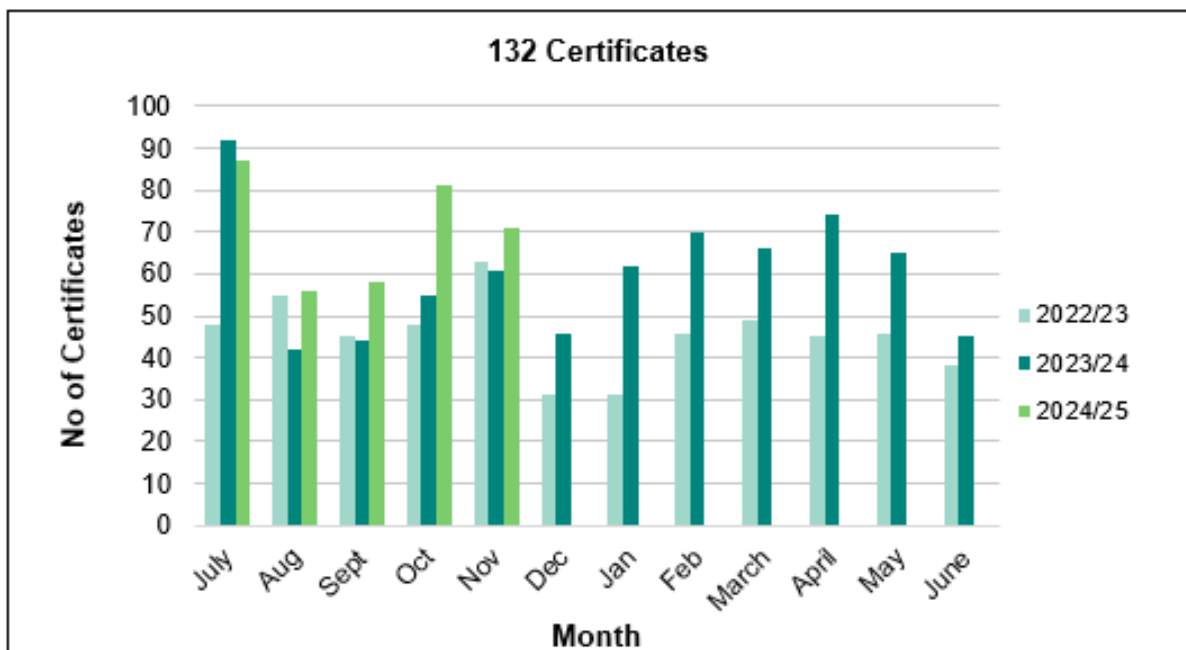
A Council Certificate 337 provides information about whether there are any outstanding notices, permits or orders in relation to a property. For the 2024/25 period there have been 186 Section 337 certificates completed as at 30 November 2024 compared with 157 in November 2023.



Certificate of Liabilities (132)

Graphical analysis is provided demonstrating the total number of certificates issued for the reporting period compared to last year.

Section 132 certificates are issued by Council on request usually as a part of selling a property. The certificate outlines rate and property liabilities. For the 2024/25 period there have been 353 Section 132 certificates completed as at 30 November 2024 compared with 294 in November 2023.



ECONOMIC DEVELOPMENT UPDATE

Key economic development activities undertaken by Council’s Economic Development Officers (EDO’s) are outlined below:

Interpretation and Wayfinding Project Waratah

This project has now been completed with all signs installed.

Interpretation and Wayfinding Project Shared Coastal Pathway

This project has now been completed with all signs installed.

Wynyard to Smithton/Stanley Shared User Pathway Feasibility and Predesign Study

Burchills Engineering have completed the Feasibility and Predesign Study. A report was presented to a joint workshop of Waratah-Wynyard and Circular Head Councillors on 6 November 2024.

A Report on the study is included on this agenda for consideration.

Business/Industry Visits

Councillors and the Executive Team undertake site visits of local businesses on a regular basis within the municipality. Site visits are an opportunity to walk through local businesses to gain a deeper understanding of their operations. These visits are an important way to make connections with local businesses and showcase what makes our region the best place to live, work and play.

Below is a list of completed site visits and the number of Councillors and Staff who attended:

Date	Business	# Councillors attended	# staff attended
2024-05	Elphinstone	3	4
2024-06	Blackley Pipeline	7	4
2024-08	Larapi Child and Family Centre	7	4
2024-09	Tasland Produce	8	4

Electric Car Charging Stations

Council electric car charging stations are awaiting an upgrade to the switchboard.

A report on Public Electric Car Charging Stations report was presented to August 2024 Council meeting where a decision was made to delay and reassess options.

Central Area Planning

In 2017 Council engaged GHD to produce a Central Area Development Plan (CADP) for Wynyard and Somerset. The CADP outlined a number of potential actions for Council to progress. A working group has been established to review the CADP for Wynyard to ensure that the action plan remains relevant and up to date based on developments that has occurred since the CADP was adopted.

Improved Penguin Viewing Experience

Doctors Rocks has been identified as a potential site to improve the penguin viewing experience in the area. A concept design has been prepared for review of planning and other implications by Council and other third parties such as Tas Water and the Department of State before going out to the community and other key stakeholders for feedback.

Property Purchases / Sale

Tom Moore's Road, Wynyard

22 Tom Moore's Road owned by RJ & JE Sadler has been settled with 0 Walker Street (Owned by TasWater) expected to be settled in coming weeks.

INFORMATION SYSTEMS UPDATE

Key corporate system development projects and their current progress status are outlined below:

Update on Digital Transformation Strategy

Over the past three months, we have continued to prioritise initiatives that strengthen our department's capabilities and align with strategic goals. Key highlights include:

- **Comprehensive Staff Training** - Focused on empowering our team, we have delivered targeted training sessions to enhance skills and ensure alignment with our evolving digital landscape.
- **Budget Preparation for the New Cycle** - With the new financial year on the horizon, we are diligently preparing the upcoming ICT budget, ensuring our plans are both financially sound and strategically forward-thinking.
- **Advancement of Key Projects** - Significant progress has been made on this year's projects, keeping us on track to meet our objectives and deliver measurable outcomes for the organisation.
- **Ongoing Collaboration with Elected Members** - Engagement tools continue to facilitate seamless interactions, allowing for effective collaboration and informed decision-making.
- **Sustained Infrastructure Enhancements** - Building on past quarters, we remain committed to refining our ICT infrastructure, ensuring it meets current demands and positions us for future growth.

We are also maintaining strong partnerships with Excite Cyber, advancing through the Essential 8 modules, and with KnowBe4, providing vital cybersecurity training to staff and elected members. These collaborations remain central to our strategy, ensuring our department remains resilient and adaptable.

Looking ahead, we are excited to build on these foundations as we continue driving innovation and delivering on our digital transformation strategy.

Information Management

Council's Information Management function provides and manages integrated and secure systems and processes to centralise the collection, storage and retrieval of Council records and associated documentation for Council. The team have been working on several projects to improve the accessibility of information.

Property File Digitisation

Whilst most of Council's property files are digitised some manual files remain. As part of the Digital Transformation Strategy, the remaining files will be digitised to improve access and reduce risk. ZircoData has been engaged, and the scanning of files remains in progress with regular contact between ZircoData and Officer's to monitor progress.

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 1: Leadership and Governance
Desired Outcomes
1.1 We make publicly transparent decisions on spending and future directions while encouraging community feedback.
Our Priorities
1.6.2 Develop leadership that inspires and motivates, and which maintains a strong community and workplace culture.

GOAL 2: Organisational Support
Desired Outcomes
2.1 We are a knowledgeable organisation—we demonstrate best practices in our business processes.
Our Priorities
2.1.1 Develop a learning culture that ensures staff have the knowledge and skills to maximise potential, and which empowers staff to achieve and grow.

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

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no 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

That Council note the Corporate Quarterly Information Report for the General Manager and Organisational Performance Departments.

MOVED BY	CR ROBERTS
SECONDED BY	CR HYLAND

That Council note the Quarterly Information Report for the Office of the General Manager and Organisational Performance Department as of 30 November 2024.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

9.8 CONTRACT #832 - BUILDING DESIGN PROJECTS - VARIOUS LOCATIONS

To: Council
Reporting Officer: Strategic Projects Manager
Responsible Manager: Acting General Manager
Report Date: 13 November 2024
File Reference: GN03
Enclosures: 1. Contract 832 - Tender Evaluation Summary - Confidential

PURPOSE

To determine Council's position regarding tender submissions received for Contract 832-Building Design Projects: Various locations.

BACKGROUND

Council's 24/25 capital works budget included funding for the detailed design, documentation and approval process associated with three building projects:

- New Waratah Caravan Park Amenities including demolition of existing amenities
- Wynyard Recreation Ground – Grandstand player amenities upgrades
- Langley Park clubrooms and surrounds – as per Somerset Sports Precinct Master Plan

Delivery of the projects will be considered in conjunction with the 25/26 budget process.

This report advises Council of a tender process to secure an architect/building designer and subconsultant team to design and document the three projects.

Tenders were called 9 November 2024 and closed 2 December 2024. At the close of tenders 5 submissions were received.

DETAILS

A call for tenders was made through Council's electronic tendering portal "TenderLink". At the close of tenders on 2 December 2024, a total of 5 Submission were lodged.

Bundling of the projects into one tender process aimed to deliver economies of scale savings.

Submissions were assessed against the tender lodgement criteria and found to be compliant.

Tenderers were provided with a detailed project brief and were required to respond to the call for tenders against a predetermined set of criteria as below.

Criteria	% Weighting
Quality and completeness of submission, including understanding of the project requirements and proposed project delivery methodologies.	30
Evidence of previous projects of similar value and scope.	10
Project Team – Architect and Sub-consultant team, resource capacity, personnel experience, and accessibility to the PSC.	10
Risk, quality, reporting and cost control methods and systems.	10

Criteria	% Weighting
Fee	40
Total	100

Attached is a confidential tender assessment report detailing the assessment process and scoring of submissions against the selection criteria.

All five submissions demonstrated suitable capacity to deliver the projects as per the consultant services brief.

There was some pricing variation across the submissions, however this variation was not significant.

Based upon the application of the selection criteria the recommendation from the tender panel is award Contract 832 to Starbox Architecture.

STATUTORY IMPLICATIONS

Statutory Requirements

Council's statutory requirements for public tender under the *Local Government Act 1993* were followed.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 4: Community Recreation and Wellbeing
Desired Outcomes
4.4 Our community enjoys access to visually appealing safe spaces and facilities for recreation.
Our Priorities
4.4.2 Provide and maintain quality and safe places and spaces for physical, social and cultural activities, including shared and multi-use facilities where possible.
GOAL 1: Leadership and Governance
Desired Outcomes
1.2 We maintain and manage our assets sustainably.
Our Priorities
1.2.1 Review and adjust service levels to provide value for money.

Sustainable Murchison Community Plan 2040

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

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

The design of the building projects will consider environmentally sustainable principles focusing on energy and water use.

FINANCIAL IMPLICATIONS

The notional design budgets for each of the project is shown in the table below.

Project	Notional budget	Average of tender submissions
Waratah Caravan Park Amenities	\$40,000	\$42,486
Wynyard recreation ground – grandstand change room	\$25,000	\$32,677
Langley Park club room improvements	\$50,000	\$89,314

The preferred tenderer's price is \$158,029.30, this is approximately \$43,000 over the notional budget for the combined projects. The main budget variation relates to the Langley Park project.

It is anticipated that the unfavourable variation for this project can be funded by favourable variances in other projects.

RISK IMPLICATIONS

In the conduct of any contract there are risks associated to Council including time delays, poor quality of work and budget overruns. The use of experienced consultants coupled with contract documents are intended to minimise the risk to Council.

CONSULTATION PROCESS

The Langley Park project and Wynyard Recreation Ground project were identified in the development of the identified Somerset and Wynyard Sporting Precinct Master Plans.

Both of these documents were developed through consultation with key stakeholders and were also subject to broader community feedback processes.

In the design of each of the projects appropriate consultation with key stakeholders will occur.

The need to replace the Waratah Caravan Park amenities has arisen due to asset condition, ongoing maintenance needs, the facilities not meeting contemporary standards and user feedback.

Consultation will occur with Council's Waratah operational staff and the Waratah Community Board.

CONCLUSION

It is therefore recommended that the Council award Contract 832 to Starbox Architecture.

MOVED BY	CR ROBERTS
SECONDED BY	CR EDWARDS


That Council award Contract 832 Building Design Projects – Various Locations to Starbox Architecture for the tendered sum of \$158,029.30 ex GST.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

9.9 FINANCIAL REPORT FOR THE PERIOD ENDED 30 NOVEMBER 2024

To: Council
Reporting Officer: Accountant
Responsible Manager: Director Financial Services
Report Date: 5 December 2024
File Reference: Financial Management - Reporting - Council
Enclosures: 1. Project Progress Report - November 

PURPOSE

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

BACKGROUND

The financial reports presented incorporate:

- Income Statement
- Balance Sheet
- Cashflow Statement
- Investments
- Rate Summary
- Grant Summary
- Operating Performance by Department
- Capital Works Summary
- Project Progress Report (attached)

DETAILS

Council is currently tracking well against budget with a forecast favourable variance to budget of \$279k. There are several favourable and unfavourable variances across the budget.

The Council's forecast will continue to be reviewed and any variances identified will be reported in Council as the year progresses.

STATUTORY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

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

Council Strategy or Plan Reference

Council Strategy or Plan	Date Adopted:
Financial Management Strategy 2025-2035	Adopted November 2024

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

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

CONSULTATION PROCESS

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

CONCLUSION

All details are included in the attached reports.

MOVED BY	CR ROBERTS
SECONDED BY	CR JOHNSTONE


That Council note the Financial Report for the period ended 30 November 2024

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

9.10 SENIOR MANAGEMENT REPORT

To: Council
Reporting Officer: Executive Officer
Responsible Manager: Acting General Manager
Report Date: 12 November 2024
File Reference: 1312
Enclosures: 1. Speed Management Strategy Overview 

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

Listed below is a summary of activities undertaken by the General Manager during the period 9 November 2024 to 22 November 2024

Corporate

- Meeting with Murchison General Managers and Mayors to discuss Sustainable Murchison Plan

Community

- Attended meeting with Local Police to discuss community matters

Industry

- Attended Tasmanian LG Climate Capability Program Steering Committee Meeting
- Attended meeting to discuss data modelling and analysis for the Future of Local Government project
- Attended Local Government Association of Tas. General Meeting
- Attended North West General Managers Meeting
- Attended North West General Managers Climate Capability workshop

Other

- Met with Minister Roger Jaensch to discuss Council's current and future projects

Listed below is a summary of activities undertaken by the Acting General Manager during the period 25 November 2024 to 6 December 2024.

Community

- Attended meeting with Local Police to discuss community matters

Industry

- Attended meeting to discuss data modelling and analysis for the Future of Local Government project
- Attended North West General Managers Meeting

-
- Attended North West General Managers Climate Capability workshop

Other

- Met with various community members.

SUBMISSIONS

Speed Safety Management Strategy

The State Government tasked the Road Safety Advisory Council with developing a Speed Management Strategy for Tasmania. An overview of the Strategy is attached.

COUNCIL CHRISTMAS CLOSURES

Council Offices

- Closed from 5pm 20 December 2024 – 5pm until 8.30am 6 January 2025

Waste Transfer Station – normal operations except for public holiday closure:

- Christmas Day (25 December 2024)
- Boxing Day (26 December 2024)
- New Year's Day (1 January 2025)

Wonders of Wynyard - normal operations except for public holiday closure:

- Christmas Day (25 December 2024)
- Boxing Day (26 December 2024)
- New Year's Day (1 January 2025)

Waratah Offices - normal operations except for public holiday closure

- Christmas Day (Wednesday, 25th December 2024)
- Boxing Day (Thursday, 26th December 2024)
- New Year's Day (Wednesday, 1st January 2025)

Childrens Services

Warawyn Early Learning

- Closed from 6.30pm 20 December 2024 – re-opening 7am 6 January 2025

Wynyard OSHC and Holiday Care:

- Closed from 6.00pm 20 December 2024 – re-opening 7am 6 January 2025

Boat Harbour OSHC:

Closed from 6.30pm Thursday 19 December – re-opening Thursday 6 February

Kerbside Collections

Collections will not occur on Wednesday 25 December 2025, instead, collections will occur on Saturday 28 December 2024. All other collections remain unchanged.

Christmas Eve Road Closures – Lions Club Wynyard Christmas Parade 24 December 2024

STREET	TIME CLOSED
Austin St – Corner Jenner St to Corner Inglis St	5:00pm – 8:00pm
Inglis St – from Austin St to Saunders St Roundabout	6:00pm – 8:00pm
Goldie St – from Saunders St to Moore St	4:30pm – 8:30pm
Moore St – from Goldie St to Dodgin St	6:30pm – 8:30pm
Dodgin St – from Moore St to Jackson St	6:30pm – 8:00pm
Jackson St – from Dodgin St to Little Goldie St	6:30pm – 8:00pm
Little Goldie St – from Jackson St to Hogg St	6:30pm – 8:00pm
Hogg St – from Little Goldie St to Goldie St Roundabout	6:30pm – 8:00pm
Goldie St – from Hogg St to Saunders St roundabout	6:30pm – 8:00pm
Inglis St – from Saunders St roundabout to Austin St	6:30pm – 8:00pm
Austin St – from Inglis St to Jenner St	6:00pm – 8:00pm

ADMINISTRATION – Use of Corporate Seal

NIL		

POLICIES TO BE RESCINDED

NIL		
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MOVED BY	CR RAW
SECONDED BY	CR EDWARDS

That Council note the monthly Senior Management Report.


The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

9.11 MINUTES OF OTHER BODIES/COMMITTEES

9.11.1 NOTES OF OTHER BODIES/COMMITTEES - WARATAH COMMUNITY BOARD HELD 15 NOVEMBER 2024

To:	Council
Reporting Officer:	Manager Community Activation
Responsible Manager:	Director Community Services
Report Date:	22 November 2024
File Reference:	001
Enclosures:	1. Waratah Community Board Meeting Notes November 2024 

PURPOSE

For Council to receive notes from the meeting of the Waratah Community Board held on 15 November 2024.

BACKGROUND

The inaugural Waratah Community Board was established by Council in 2019. In July 2022 the 2022-2025 Waratah Community Plan was adopted by Council, and an expression of interest was opened for interested community members to self-nominate for Board membership. In September 2022 Council endorsed the community members of the Board for a three-year term. The Waratah Community Board meet bi-monthly to discuss progress of the Waratah Community Plan.

DETAILS

The Waratah Community Board discussed the following at their meeting held on 15 November 2024:

- Update on Waratah Community Board Capital Works projects, with Waratah shelters, Historic Rail Bridge Walkway and Athenaeum Hall first stage now complete. Progress on the Smith Street and Saunders Street Park renewals is continuing as planned.
- Welcome to Waratah Sign – damaged and removed. Budget request in for replacement.
- Meeting dates for 2025 – advised and accepted by the group.
- Request by the Board Members for the Atheneum Hall to reopen was received, for Council to follow up on.
- Request by the Board Members to have more hardcopies of the “Welcome to Waratah/Wynyard” packs available. Council staff to follow up on.

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 3: Connected Communities
Desired Outcomes
1.1 We make publicly transparent decisions on spending and future directions while encouraging community feedback.
Our Priorities
1.1.1 Commit to best practice in community engagement.

GOAL 3: Connected Communities
Desired Outcomes
1.3 We encourage broad community input to create a focussed and strong sense of belonging.
Our Priorities
1.4.1 Collaborate with, understand and satisfy our external customers' needs and values.

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.

ENVIRONMENTAL IMPLICATIONS

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

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

That Council receives the notes of the Waratah Community Board Meeting held on 15 November 2024.

MOVED BY	CR ROBERTS
SECONDED BY	CR HYLAND

That Council receives the notes from the Waratah Community Board meeting held on Friday 15 November 2024.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

10.0 MATTERS PROPOSED FOR CONSIDERATION IN CLOSED MEETING

MOVED BY	CR HYLAND
SECONDED BY	CR BRAMICH

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

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

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

11.0 CLOSURE OF MEETING TO THE PUBLIC

MOVED BY	CR ROBERTS
SECONDED BY	CR JOHNSTONE

That the Council RESOLVES BY AN ABSOLUTE MAJORITY to go into Closed Meeting to consider the following matters, the time being 7.04PM

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 NIL</i>	15(2)
<i>Confidential Report R15 (2) (g) information of a personal nature or information provided to the council on the condition it is kept confidential Tender Assessment</i>	15 (2) (g)
<i>Confidential Report R15 (2) (h) - Leave of Absence Request – Councillors NIL</i>	15(2)(h)
<i>Confidential Report R15 (2) - Closed Senior Management Report</i>	15(2)

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

12.0 RESUMPTION OF OPEN MEETING

At 7.10pm the Open Meeting was resumed.

13.0 PUBLIC RELEASE ANNOUNCEMENT**RECOMMENDATION**

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

Min. No.	Subject	Decisions/Documents
NIL		

THERE BEING NO FURTHER BUSINESS THE CHAIRPERSON DECLARED THE MEETING CLOSED AT 7.10 pm.

Confirmed,

MAYOR

20 January 2025