



**ORDINARY MEETING
OF COUNCIL**

**MINUTES
OPEN MEETING**

19 FEBRUARY 2018

8 February 2018

Notice of Meeting – Ordinary Meeting of Council

In accordance with the *Local Government (Meeting Procedures) Regulations 2015* NOTICE is hereby given that the next Ordinary Meeting of the Waratah-Wynyard Council will be held at the Council Chambers, 21 Saunders Street Wynyard on Monday 19 February 2018 with the Business of the meeting to be in accordance with the following agenda paper.

General Manager's Certification

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

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



Shane Crawford
GENERAL MANAGER

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

8 February 2018

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

Dear Shane,

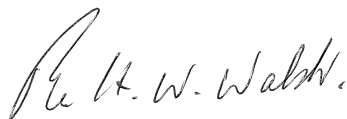
COUNCIL MEETING

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

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


I request that you make the necessary arrangements for the next ordinary meeting of Council to be convened on Monday 19 February 2018 commencing at 6:00 pm at the Council Chambers 21 Saunders Street Wynyard.

Yours sincerely



Cr Robby Walsh
MAYOR

Council discloses the following policy that relates to Audio Recording of Ordinary and Special Council Meetings:

	AUDIO RECORDING OF COUNCIL MEETINGS POLICY	DOC NO: GOV. 017	
		VERSION 1	DATE 18 July 2011
CONTROLLER:	APPROVED BY:	REVIEW DATE:	
GENERAL MANAGER	COUNCIL	November 2011	

1.0 Purpose

- 1.1 This policy provides for digital audio recording of meetings of Council to assist in the preparation of minutes and to ensure that a true and accurate account of debate and discussion at meetings is available.

2.0 Objective

- 2.1 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.

3.0 Scope

- 3.1 This policy applies to all Council Meetings Council of Waratah-Wynyard Council.

4.0 Policy

- 4.1 All meetings of the Council and its standing committees shall be digitally recorded as provided for by Regulation 33 of the *Local Government (Meeting Procedures) Regulations 2015* except for the proceedings of meetings or parts of meetings closed to the public in accordance with Regulation 15 (2).
- 4.2 The Council may, by resolution, determine to digitally record the proceedings of a specific meeting or part thereof that is closed to the public in accordance with Regulation 15 (2) of the *Local Government (Meeting Procedures) Regulations 2015*.
- 4.3 The Chairman is to ensure that no recording is made of the proceedings of a meeting or part of a meeting closed to the public in accordance with Regulation 15 (2) except where the Council has specifically resolved to record the proceedings of that meeting or part thereof.

Access

- 4.4 The General Manager is to retain the digital files of meeting recordings for 6 months in accordance with Regulation 33 and to dispose of the files promptly following the expiry of that period. The General Manager is authorised, pursuant to section 64 of the *Local Government Act 2009*, to delegate these functions to a council officer.
- 4.5 The digital files of meeting proceedings closed to the public will only be available for listening, upon written request, by one or more councillors entitled to be present during the proceedings in question.
- 4.6 The digital files of all other meeting proceedings will be accessible on the Council's website for listening by any person for the period they are retained by the Council. The Council makes this information available as a routine disclosure under the *Right to Information Act 2009*, the objectives of which are to:
- (a) Increase the accountability of the government to the people of Tasmania;
 - (b) Increase the ability of the people of Tasmania to participate in their governance; and
 - (c) Acknowledge that information collected by public authorities is collected for and on behalf of the people of Tasmania and is the property of the State.

Disclosure Of Policy

- 4.7 This policy is to be printed on the agenda of all Council and Special Council meetings to inform the public that the proceedings are recorded.
- 4.8 A notice to inform the public that meeting proceedings are recorded is to be displayed at the entrance to a room in which a meeting, the proceedings of which are to be recorded, is to be held.
- 4.9 At the time of declaring the meeting open, the Chairman is to inform all councillors and any public present that the meeting is being recorded.

5.0 Legislation

- 5.1 Regulation 33 of the *Local Government (Meeting Procedures) Regulations 2015* provides as follows:

33. Audio recording of meetings

- (1) A council may determine that an audio recording is to be made of any meeting or part of a meeting.
- (2) If the council so determines, the audio recording of a meeting or part of a meeting that is not closed to the public is to be:–
 - (a) retained by the council for at least 6 months; and
 - (b) made available free of charge for listening on written request by any person.
- (3) If after the minutes of a Council Meeting have been confirmed as a true record a discrepancy between the minutes and the audio recording of that meeting or part of that meeting is noticed the council, at the next appropriate meeting, is to review the audio recording and either confirm that the minutes are a true record or amend the records to reflect the audio recording and then confirm the minutes as amended to be a true record.
- (4) A council may determine any other procedures relating to audio recording of meetings it considers appropriate.

6.0 Responsibility

- 6.1 The General Manager has the overall responsibility for this policy.

7.0 Minute Reference

Minute No. 12.3

8.0 Council Meeting Date

Amended 14 July 2015 (pending overall Review).

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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 HELD AT THE COUNCIL CHAMBERS 21 SAUNDERS STREET WYNYARD ON MONDAY 19 FEBRUARY 2018 COMMENCING AT 6:00 PM

	From	To	Time Occupied
Open Council	6.02PM	6.16PM	14MINS
Planning Authority	6.16PM	7.27PM	71MINS
Open Council	7.27PM	8.16PM	49MINS
Meeting Adjourned	8.16PM	8.22PM	6MINS
Closed Council	8.22PM	9.24PM	62MINS
Open Council	9.24PM	9.24PM	0MINS
TOTAL TIME OCCUPIED			196MINS

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 titled '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".

1.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

Legislative Reference:

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

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

(a) attendance and apologies.

1.1 ATTENDANCE

Acting Mayor Mary Duniam

Cr Maureen Bradley

Cr Gary Bramich

Cr Darren Fairbrother

Cr Alwyn Friedersdorff

Cr Kevin Hyland

Cr Stephen Wright

IN ATTENDANCE

Shane Crawford – General Manager

Daniel Summers – Director Infrastructure and Development Services

Tracey Bradley – Director Corporate and Community Services

Ashley Thornton - Acting Manager Development and Regulatory Services

Sally Blanc – Executive Officer

1.2 APOLOGIES

Nil

1.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Mayor Robby Walsh

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Legislative Reference:

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

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

(b) Confirmation of the minutes.

2.1 CONFIRMATION OF MINUTES OF PREVIOUS ORDINARY COUNCIL MEETING

MOVED BY	CR FRIEDERSDORFF
SECONDED BY	CR BRAMICH

That the Minutes of the Ordinary Meeting of the Waratah-Wynyard Council held at the Council Chambers, 21 Saunders Street, Wynyard on Monday 22 January 2018 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 BRADLEY	CR BRAMICH	CR DUNIAM
CR FAIRBROTHER	CR FRIEDERSDORFF	CR HYLAND	CR WRIGHT

2.2 CONFIRMATION OF MINUTES OF PREVIOUS SPECIAL MEETING OF COUNCIL

MOVED BY	CR FAIRBROTHER
SECONDED BY	CR HYLAND

That the Minutes of the Special Meeting of the Waratah-Wynyard Council held at the Council Chambers, 21 Saunders Street, Wynyard on Monday 29 January 2018 a copy of which having previously been circulated to Councillors prior to the meeting, be confirmed as a true record.

It is noted that due to legal advice on procedural matters raised following this Special Meeting of Council, decisions made at this meeting in relation to item 3.3 are deemed procedural ultra vires and the decision on the same matter at the Ordinary Meeting of Council on 22 January (item 7.4) stands.

The MOTION was put and was CARRIED unanimously

IN FAVOUR

	CR BRADLEY	CR BRAMICH	CR DUNIAM
CR FAIRBROTHER	CR FRIEDERSDORFF	CR HYLAND	CR WRIGHT

3.0 DECLARATIONS OF INTEREST

Legislative Reference:

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

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

Councillor and Agenda Item Number

Cr Wright – Item 18.2 Closed Agenda

Cr Wright noted an interest in item 18.2 of the closed session however he perceived it was a matter that is for the good of the whole community and whilst the matter concerns his brother, there is no pecuniary interest and would participate in the debate.

Cr Fairbrother – Item 18.2 Closed Agenda

Cr Fairbrother noted an interest in item 18.2 in the closed session however indicated that he would participate in the debate as it was not a pecuniary interest.

Staff and Agenda Item Number

Nil

4.0 COUNCILLORS ANNOUNCEMENTS AND REPORT

4.1 ANNOUNCEMENTS BY MAYOR

Nil

4.2 MAYOR'S COMMUNICATIONS

MOVED BY	CR BRAMICH
SECONDED BY	CR HYLAND

That the Council note the Mayor's Diary.

Date	Purpose
15/1/18	Councillor Workshop
16/1/18	TasWater & Entura Meeting at Waratah Dam Site
17/1/18	Mayor & GM Meeting with Circular Head Council
17/1/18	Showground Users Meeting
22/1/18	Agenda Settlement Meeting
22/1/18	Council Meeting
23/1/18	Media Announcement – Golf Club
24/1/18	Senovyn Care High Tea with Residents
26/1/18	Australia Day Awards and Citizenship Ceremony
29/1/18	Meeting with Bowls Club
29/1/18	Special Council Meeting
1/2/18	7BU/7AD Radio Show
2/2/18	Media Announcement – Bass Highway Upgrades
2/2/18	Deputy Mayor - Hellyer College Evening of Excellence
5/2/18	Councillor Workshop
6/2/18	Media Interview – ALRS Grant – works commencement
7/2/18	Burnie Chamber of Commerce & Industry Breakfast Meeting
7/2/18	Meeting with Burnie Chamber of Commerce & Industry Breakfast Secretary & President
8/2/18	Deputy Mayor -Vietnam Veteran's Memorial Dedication Somerset

The MOTION was put and was CARRIED unanimously

IN FAVOUR

	CR BRADLEY	CR BRAMICH	CR DUNIAM
CR FAIRBROTHER	CR FRIEDERSDORFF	CR HYLAND	CR WRIGHT

4.3 REPORTS OF DELEGATES

Nil

4.4 COUNCILLOR STATEMENTS

Nil

4.5 NOTIFICATION OF COUNCIL WORKSHOPS

Legislative Reference:

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

*The agenda of an ordinary meeting of a council is to provide for, but is not limited to, the following items:
(c) the date and purpose of any council workshop held since the last meeting.*

MOVED BY	CR FAIRBROTHER
SECONDED BY	CR FREIDERSDORFF

That the Council notes that the following workshops were conducted by Council since its last Ordinary Council Meeting.

15/1/18	Central Area Development Plan Strategies Project Update
15/1/18	Cradle Coast Authority Shared Services Report
15/1/18	Inglis River Walking Track
29/1/18	Waratah Community Board
29/1/18	Councillor Allowance Review
29/1/18	Freedom Camping Discussion
5/2/18	Community Assistance Grants Review
5/2/18	ANZAC Park Concept Plan Review
5/2/18	East Wynyard Foreshore Concept Plan Review

The MOTION was put and was CARRIED unanimously

IN FAVOUR

	CR BRADLEY	CR BRAMICH	CR DUNIAM
CR FAIRBROTHER	CR FRIEDERSDORFF	CR HYLAND	CR WRIGHT

5.0 PUBLIC QUESTIONS AND STATEMENTS

Legislative Reference:

Local Government (Meeting Procedures) Regulations 2015 Regulation 31

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

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

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

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

- (1) *Members of the public may, during the public statements or the Planning Authority segments of the order of business, with the consent of the Presiding Member make a public statement on any matter that appears on the agenda for that meeting provided that:*
 - (a) *The member of the public submits to the General Manager prior to the commencement of the meeting the public statement in a form acceptable to the General Manager and which includes the name and residential or contact address of the member of the public;*
 - (b) *The public statement precedes discussion of any matter which requires a decision to be made at the meeting but otherwise at item (11) of order of business at clause 4.2;*
 - (c) *The public statement is limited to a maximum period of 3 minutes, unless otherwise determined by the Presiding Member; and*

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

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

5.1.1 MR K EWINGTON STANDARD OF AIRPORT GARDENS

Mr Ken Ewington of Flowerdale asked when the Council would take action to have the Airport Corporation improve their surrounds including lawns, garden beds and signage.

The General Manager advised that he has met with Burnie Airport Corporation and will be holding another meeting in the next few weeks specifically to discuss the maintenance of the site. An update will be provided after this meeting.

The General Manager and the Projects Works Manager have a scheduled meeting with the Airport Manager to discuss this matter. The Airport Manager has been on leave hence the delay in these discussions.

5.2 PUBLIC QUESTIONS RECEIVED IN WRITING

Nil

5.3 PUBLIC QUESTIONS WITHOUT NOTICE

Legislative Reference:

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

- (2) *The Chairperson of an ordinary council meeting may –*
(b) *invite any members of the public present at the meeting to ask questions relating to the activities of the council.*

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

- (5) *The Chairperson may –*
(b) *require a question to be put on notice and in writing to be answered at a later ordinary council meeting.*

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

5.3.1 MR K EWINGTON – ROAD SLASHING

Mr Ewington of Flowerdale asked why the Council spends money slashing road verges on country roads when the fire hazard season and the tourist season is now over and it could spend the money on town projects and look after parks and gardens.

The Director of Infrastructure and Development Services advised that Council slashing program starts prior to Christmas on major tourists roads such as Table Cape Road and Port Road, and then continues across the whole of the network. It is completed once per year based on cost and to try and minimise regrowth.

5.4 MR K EWINGTON – CROSSING AT WYNYARD RSL GOLDIE ST WYNYARD

Mr Ewington of Flowerdale asked when the Council will take action to redevelop the crossing at the corner near the RSL on Goldie Street to a higher safety standard for pedestrians who will be using the crossing especially as the new car park has now started.

The Director of Infrastructure and Development Services advised that Council is currently conducting community consultation on the Central Area Develop Plan and on its website there is access to a conversation forum and comments can be raised for consideration. It is noted that comments have already been received on this matter.

5.5 PUBLIC STATEMENTS RECEIVED IN WRITING

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

Nil

5.6 PUBLIC STATEMENTS WITHOUT NOTICE

5.6.1 MR K EWINGTON – BROOM MANAGEMENT

Mr Ewington of Flowerdale made a statement regarding management of Broom and asked if Council had anyone looking after weeds. He noted he has received sponsorship for a mapping application showing location of weeds in the municipal area and for brochures to be handed on weed management. He also noted that not managing weeds would have an impact on Tourism if we did not maintain our scenery.

6.0 PETITIONS / DEPUTATIONS / PRESENTATIONS

Legislative Reference:

Local Government Act 1993; Part 6, Division 1; Sections 57, 58, 59, 60, 60A.

57. Petitions

- (1) A person may lodge a petition with the council by presenting it to a *councillor or the general manager*.

58. Tabling petition

- (1) A councillor who has been presented with a petition is to
- (a) *table the petition at the next ordinary meeting of the council; or*
 - (b) *forward it to the general manager within 7 days after receiving it.*
- (2) A general manager who has been presented with a petition or receives a petition under subsection (1)(b) is to *table the petition at the next ordinary meeting of the council.*

57(2) A petition is not to be tabled if it does not contain –

- (a) *a clear and concise statement identifying the subject matter; and*
- (b) *a heading on each page indicating the subject matter; and*
- (c) *a brief statement on each page of the subject matter and the action requested; and*
- (d) *a statement specifying the number of signatories; and*
- (e) *the full printed name, address and signature of the person lodging the petition at the end of the petition.*

58(3) A petition is not to be tabled if –

- (b) *it is defamatory; or*
- (c) *any action it proposes is unlawful.*

- (4) *The General Manager is to advise the lodger of any petition that is not tabled the reason for not tabling it within 21 days after lodgement. Local Government (Meeting Procedures) Regulations 2015, Regulation 38(1)(a)(b),(2)*

(1) The chairperson of a meeting, including a closed meeting, may invite a person –

- (a) *to address the meeting; and*
- (b) *to make statements or deliver reports to the meeting.*

- (2) *An invitation under sub regulation (1) may be subject to any condition the council may impose on deputations.*

6.1 PETITIONS

Nil

6.2 DEPUTATIONS AND PRESENTATIONS

Nil

7.0 PLANNING AUTHORITY ITEMS

Legislative Reference:

Local Government (Meeting Procedures) Regulations 2015 Regulation 25 / Judicial Review Act.

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

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

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

NIL

7.1 PUBLIC QUESTIONS WITHOUT NOTICE –RELATING TO PLANNING MATTERS

Legislative Reference:

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

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

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

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

(5) *The Chairperson may –*

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

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

Nil

7.2 PUBLIC STATEMENTS – RELATING TO PLANNING MATTERS

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

7.2.1 MRS R CAMERON – YACHT CLUB DEVELOPMENT

Mrs Cameron of Wynyard made a statement regarding the Yacht Club Development and noted she has no objections to Yacht Club being updated but has objection to the inclusion of a food service and proximity of building to residential area. Mrs Cameron also noted that the building height would take away the view along the river for tourists entering the town area.

7.2.2 MR B CAMERON – YACHT CLUB DEVELOPMENT

Mr Cameron of Wynyard made a statement regarding the Yacht Club Development; he noted that everything is working well as it is. He noted that he believes that the expansion to include food service and additional parking is not necessary and he stated that he believes there is not enough space to cater for the expansion.

Mr Cameron noted the MAST requirements state that 20-30 parking spaces are required per boat ramp. As there will be two ramps the development should have 40-60 spaces. He stated that he believes council should delay decision of application and further investigate parking.

7.2.3 MS C GREGG – 32 TABLECAPE ROAD WYNYARD

Ms Gregg made a statement regarding the application for visitor accommodation at Table Cape Road. She noted that the application meets strategic objectives of council and the Sustainable Murchison Community Plan. Ms Gregg also noted that a Cost Benefit document had been provided which shows significant economic benefit to the town and asked that Council support the application.

7.3 VISITOR ACCOMMODATION AND SUBDIVISION – LOCATED AT 32 TABLE CAPE ROAD AND 14 INGLISDALE DRIVE, WYNYARD – DA 135/2017 AND SD 2049

To:	Council
Reporting Officer:	Acting Manager Development and Regulatory Services
Responsible Manager:	Acting Manager Development and Regulatory Services
Report Date:	8 February 2017
File Reference:	3464951, 2758384
Supporting Documents:	REFER ATTACHMENT A Development Application Form x 4 pages Location Map x 1 page Titles x 18 pages Planning Submission / report x 31pages Burnie Airport Report x 2 pages Plan of Subdivision x 1 page Development Plans x 17 pages Infrastructure Services Report x 4 pages Bushfire Report x 12 pages Additional Info Request x 2 pages TasWater Info Request x 3 pages Info response x 11 pages Further Info Request x 2 pages Information Response x 2 pages Road Access and Stormwater Drainage Assessment x 5 pages Agricultural Land Capability Assessment x 30 pages TasWater Submission to Planning Authority Conditions x 2 pages Burnie Airport Corporation Conditions x 3 pages Representation 1 –Reg Pease x 10 pages Extension of time x 1 page

PURPOSE

The purpose of this report is for Council to consider the merits of an application for visitor accommodation (11 units and communal building) and associated works, and a boundary reconfiguration against the requirements of the *Waratah-Wynyard Interim Planning Scheme 2013* (the Planning Scheme).

BACKGROUND

The site is identified as 32 Table Cape Road, and 14 Inglisdale Street, Wynyard. The titles are identified as lot 11 on SP 171918 and lot 21 on SP148923. The property at 32 Table Cape Road is improved with a dwelling and various outbuildings. The property is zoned Rural Resource. The property has an area of 37.25ha, and is accessed via Table Cape Road.

The second property at 14 Inglisdale Drive is currently vacant and zoned General Residential. The property has an area of 1592m², and has frontage to Inglisdale Drive and Alicia Court.

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

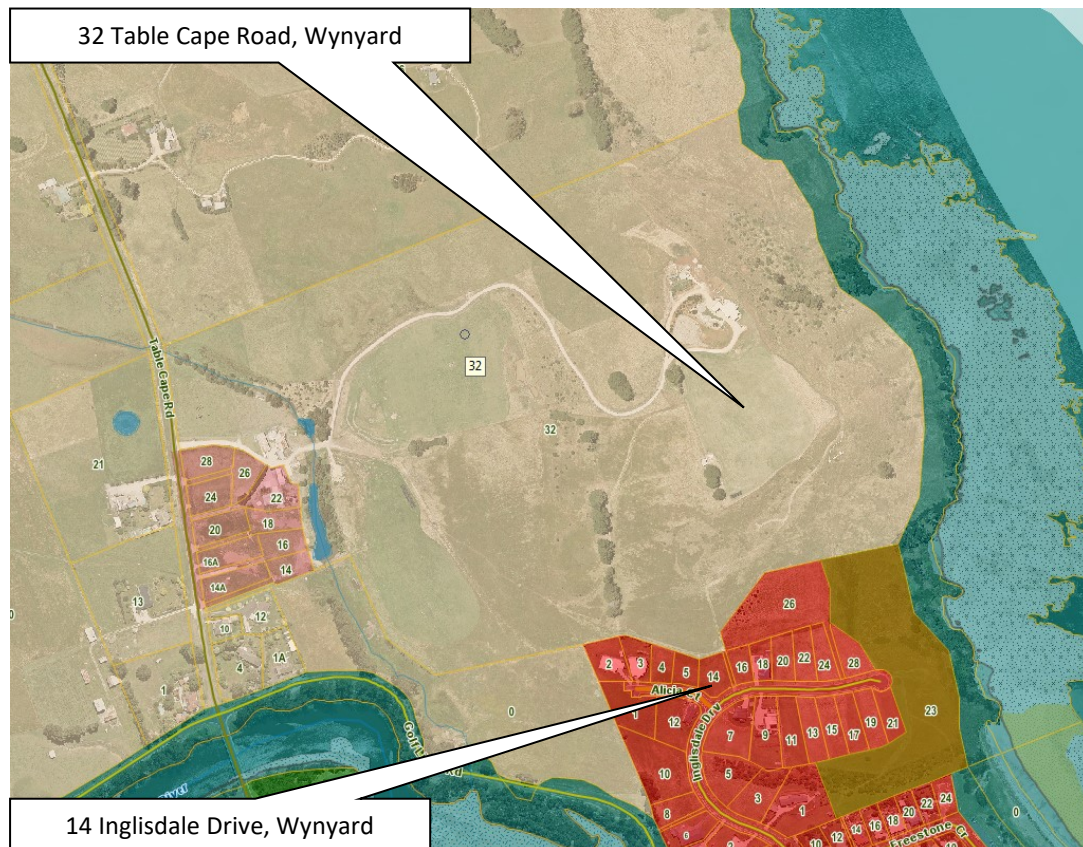


Figure 1. Locality plan (Source: MapInfo)

The surrounding land is zoned Rural Resource to the north and west, Environmental Management to the east, and General Residential to the south. There is also a small pocket of land zoned Low Density Residential to the west of the site.

DETAILS

The proposed development is for the construction of 11 self-contained villas for short-term accommodation and a central common building. Each villa will be a single storey, and contain two bedrooms. The common building will include dining, lounge, reception, spa and pool facilities. The development will be available to guests only, with the proposal aimed at the high-end market.

The site is to be accessed via the property at 14 Inglisdale Drive. The development is to be serviced by TasWater infrastructure. Stormwater will be re-used and retained on-site.

The application suggests that at post construction approximately 2 full time equivalent staff may be required.

The development also includes a boundary reconfiguration. The reconfiguration of lots is outlined in the table below:

Lot	Existing lot Size (ha)	Proposed Lot Size (ha)	Improvements
1	37.25	27.62	Dwelling and agricultural outbuildings
2	0.159	9.79	Proposed Visitor Accommodation development

This report assesses the proposal against the Planning Scheme and takes into account the representation received during the public exhibition period. The proposal is defined as a Visitor Accommodation, which is a Discretionary use under the Rural Resource Zone Code. The applicant is further applying for a subdivision (boundary reconfiguration). The applicant is applying for discretion under the following clauses:-

- 26.3.1 Requirement for discretionary non-residential use to locate on rural resource land (P1)
- 26.4.2 Location and configuration of development (P3.1)
- 26.4.3 Location of development for sensitive uses (P1)
- 26.4.4 Subdivision (P1)
- 10.4.13 Subdivision (P1)
- E2.6.2 Protection of operational airspace (P1)
- Interim Planning Directive No. 2 (P1)

CONSULTATION PROCESS

The consultation process was the public exhibition period set out in the *Land Use Planning and Approvals Act 1993 (LUPAA)* and involved notification of adjoining land owners, public notices onsite and advertising in a daily newspaper. The application was placed on public exhibition for a period of 14 days as required under LUPAA. The period for representations closed on 15 January 2018. One (1) representation was received within the statutory period. The representation and planning responses to the issues raised are provided below. While every effort has been made to include all issues raised, this summary should be read in conjunction with the representations which are included as an enclosure to this report.

Representor –R Pease
<p>Issues Raised</p> <p>The representors' issues raised have been summarised as the following:</p> <ol style="list-style-type: none"> 1. Does not support access via Alicia Court, with a new intersection and road adding traffic to a quiet residential area. 2. The site is subject to landslip, and road design will need to consider this. 3. Stormwater from the development should be piped off site, and not discharged on-site, as it could contribute to possible landslips. 4. The existing internal access to the dwelling should be used to access the development. Therefore a new access would not be required through steep land. 5. On-site water storage should be required in case of a fire. This should be a requirement of the fire and safety plan.
<p>Planning Response:</p> <ol style="list-style-type: none"> 1. Access will be via a new internal driveway, gaining access via a new crossover in Inglisdale Drive. No intersection or new road is proposed. 2. All development is located outside of the designated medium and high landslide areas. Therefore, a geotechnical assessment was not required. 3. The proposal complies with the stormwater standards within the planning scheme (26.4.1 A5). The Road Access and Stormwater Drainage Assessment has also conditioned that stormwater from the development be designed in accordance with geotechnical advice, and in accordance with Good Hillside Construction practice. The stormwater design is considered at the building and plumbing permit stage of the development. 4. The applicant is not required to utilise the existing access, and has applied for a separate access to service the development. The access location has been assessed by Council's Engineering Services Department, and has been approved, subject to conditions contained within the Road Access and Stormwater Drainage Assessment. 5. This is not a relevant matter for the planning assessment. Fire safety design and design to withstand the assessed bush fire attack level is considered at the building and plumbing permit stage of the development.

INTERNAL REFERRALS

Engineering Services Department

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

1. In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
2. Loading and un-loading of vehicles is to be confined to within the boundaries of the property.
3. The internal road network and associated off street car parking and hardstand areas are to be surfaced in an all-weather material such as concrete, asphalt or bitumen spray seal.

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4. Vehicular access to and egress from the site is to occur only in a forward motion.
 5. A Final Survey Plan is to be submitted to Council for sealing. The plan is to be drawn to scale and prepared in accordance with the requirements of the Recorder of Titles and will form part of this Permit when sealed. The Final Survey Plan is to be substantially the same as the endorsed plan.
 6. 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: A “Works within the Road Reservation” permit must be obtained from Council for all activity within the Road Reservation.

Road Access and Stormwater Drainage provision is to be in accordance with Road Access and Stormwater Drainage Assessment dated 19 December 2017.

Environmental Health

The application was referred to the Environmental Health Officer who recommended as follows:

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

Burnie Airport Corporation

The application was referred to Burnie Airport Corporation as required. Burnie Airport Corporation has provided a response confirming they do not object to the granting of a permit subject to the inclusion of their conditions. Burnie Airport Corporation's conditions and notes are included as follows.

The Burnie Airport Corporation believes that planning application DA 135/2017 and SD 2049, to establish a Visitor Accommodation and subdivision at 32 Table Cape Road and 14 Inglisdale Drive, Wynyard, can be approved, subject to following conditions -

1. Any building or structure erected on the property must not exceed a maximum erected height (including any protrusions thereon (vents, aerials etc) of 8.5 metres, above the existing ground level

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2. Any tree or vegetation on the property must not exceed a maximum erected height of 8.5 metres, above the existing ground level
 3. If any building, structure, tree or vegetation or any protrusions thereon exceed the limits set (under clauses 1&2), at any time they must be immediately removed
 4. Any lighting on the property must comply with section 9.21 (Lighting in the Vicinity of Aerodromes) of the Civil Aviation Safety Authority, Manual of Standards Part 139 – Aerodromes;
 5. Prior to the erection of any external lighting the developer/owner must provide an external lighting plan and a lighting plan approval by Council/BAC and that plan must comply with section 9.21 (Lighting in the Vicinity of Aerodromes) of the Civil Aviation Safety Authority, Manual of Standards Part 139 – Aerodromes. No external lighting to be installed without Approval;
 6. No activity should be undertaken that has a propensity to attract wildlife, particularly birds or bats. Should the use of the property or design of the building attract wildlife the owner must mitigate this risk in consultation with the airport operator and qualified bird and wildlife management expert;
 7. Any product or waste must be managed so as not to attract wildlife;
 8. Prior to the commencement of work a landscaping plan must be submitted to the Burnie Airport Corporation for its approval, modification or rejection in relation to matters relevant to the Airport's requirements.

Note: Any plant/equipment including concrete pumps, cranes, and the like used in construction should comply with the same maximum height provisions. If this is not feasible, approval for their use will require separate application to the Burnie Airport Corporation (48 hours prior notice required).

TasWater

The application was referred to TasWater on 25 October 2017. The response was received on 11 December 2017 which confirms they do not object to the granting of a permit subject to the inclusion of their conditions.

PLANNING ASSESSMENT

The subject site is zoned Rural Resource under the *Waratah-Wynyard Interim Planning Scheme 2013*. The use proposed is Visitor Accommodation, which is a Discretionary use within the Rural Resource Zone.

In addition to being a Discretionary Use the proposal does not meet all of the acceptable solutions relevant to the proposed use and development and therefore a discretionary application is made under Section 57 of the *Land Use Planning & Approvals Act 1993* and assessed under the *Planning Scheme* 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.

The application requires the exercise of discretion in respect to:-

- 26.3.1 Requirement for discretionary non-residential use to locate on rural resource land (P1)
- 26.4.2 Location and configuration of development (P3.1)
- 26.4.3 Location of development for sensitive uses (P1)
- 26.4.4 Subdivision (P1)
- 10.4.13 Subdivision (P1)
- E2.6.2 Protection of operational airspace (P1)
- Interim Planning Directive No. 2 (P1)

An assessment of the proposal against the relevant provisions for the Rural Resource Zone, General Residential Zone and relevant Codes is provided below.

26.0 Rural Resource Zone

26.1.1 Zone Purpose Statements

26.1.1.1

To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.

26.1.1.2

To provide for other use or development that does not constrain or conflict with resource development uses.

Planning Comment:

Visitor Accommodation is a discretionary use. In accordance with clause 8.10.2 of the planning scheme, compliance with the zone purpose statement should be considered.

The application has been submitted with a supporting agricultural assessment that has determined that the proposal will not constrain or conflict with adjoining and nearby agricultural uses, due to topography, separation distances and with mitigation techniques, such as planting a vegetation buffer along the western boundary of the proposed lot 2.

26.1.2 Local Area Objectives

- (a) The priority purpose for rural land is primary industry dependent upon access to a naturally occurring resource;
- (b) Air, land and water resources are of importance for current and potential primary industry and other permitted use;

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- (c) Air, land and water resources are protected against –
 - (i) permanent loss to a use or development that has no need or reason to locate on land containing such a resource; and
 - (ii) use or development that has potential to exclude or unduly conflict, constraint, or interfere with the practice of primary industry or any other use dependent on access to a naturally occurring resource;
 - (d) Primary industry is diverse, dynamic, and innovative; and may occur on a range of lot sizes and at different levels of intensity;
 - (e) All agricultural land is a valuable resource to be protected for sustainable agricultural production;
 - (f) Rural land may be used and developed for economic, community, and utility activity that cannot reasonably be accommodated on land within a settlement or nature conservation area;
 - (g) Rural land may be used and developed for tourism and recreation use dependent upon a rural location or undertaken in association with primary industry;
 - (h) Residential use and development on rural land is appropriate only if –
 - (i) required by a primary industry or a resource based activity; or
 - (ii) without permanent loss of land significant for primary industry use and without constraint or interference to existing and potential use of land for primary industry purposes

26.1.3 Desired Future Character Statements

Use or development on rural land –

- (a) may create a dynamic, extensively cultivated, highly modified, and relatively sparsely settled working landscape featuring –
 - (i) expansive areas for agriculture and forestry;
 - (ii) mining and extraction sites;
 - (iii) utility and transport sites and extended corridors; and
- (iv) service and support buildings and work areas of substantial size, utilitarian character, and visual prominence that are sited and managed with priority for operational efficiency
- (b) may be interspersed with –
 - (i) small-scale residential settlement nodes;
 - (ii) places of ecological, scientific, cultural, or aesthetic value; and
 - (iii) pockets of remnant native vegetation
- (c) will seek to minimise disturbance to –
 - (i) physical terrain;
 - (ii) natural biodiversity and ecological systems;
 - (iii) scenic attributes; and
 - (iv) rural residential and visitor amenity;
- (d) may involve sites of varying size –
 - (i) in accordance with the type, scale and intensity of primary industry; and
 - (ii) to reduce loss and constraint on use of land important for sustainable commercial production based on naturally occurring resources;

- (e) is significantly influenced in temporal nature, character, scale, frequency, and intensity by external factors, including changes in technology, production techniques, and in economic, management, and marketing systems

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

<p>A1</p> <p>There is no acceptable solution</p>	<p>P1</p> <p>Other than for residential use, discretionary permit use must –</p> <ul style="list-style-type: none"> (a) be consistent with the local area objectives; (b) be consistent with any applicable desired future character statement; (c) be required to locate on rural resource land for operational efficiency – <ul style="list-style-type: none"> (i) to access a specific naturally occurring resource on the site or on adjacent land in the zone; (ii) to access infrastructure only available on the site or on adjacent land in the zone; (iii) to access a product of primary industry from a use on the site or on adjacent land in the zone; (iv) to service or support a primary industry or other permitted use on the site or on adjacent land in the zone; (v) if required – <ul style="list-style-type: none"> a. to acquire access to a mandatory site area not otherwise available in a zone intended for that purpose; b. for security; c. for public health or safety if all measures to minimise impact could create an unacceptable level of risk to human health, life or property if located on land in a zone intended for that purpose; (vi) to provide opportunity for diversification, innovation, and value-adding to secure existing or potential primary industry use of the site or of adjacent land; (vii) to provide an essential utility or community service infrastructure for the municipal or regional community or that is of significance for Tasmania; or
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	<p>(viii) if a cost-benefit analysis in economic, environmental, and social terms indicates significant benefits to the region; and</p> <p>(d) minimise likelihood for –</p> <p>(i) permanent loss of land for existing and potential primary industry use;</p> <p>(ii) constraint or interference to existing and potential primary industry use on the site and on adjacent land; and</p> <p>(iii) loss of land within a proclaimed irrigation district under Part 9 Water Management Act 1999 or land that may benefit from the application of broad-scale irrigation development</p>
<p>Planning Comments: Does not comply</p> <p>There is no Acceptable Solution; the proposal must address the performance criteria.</p> <p>The proposal is considered to be consistent with local area objectives, and in particular objectives (f) and (g). It is acknowledged that agricultural land will be converted to allow for the development. However, it is argued that the agricultural resource, being the soil, is constrained. The constraints on agricultural land include steeply sloping land, land susceptible to landslide, lack of water for irrigation and poor soil quality. The soil classes within proposed lot 2 consists of a mixture of 4 (1.5ha), 5 (0.8ha), 6 (3.1 ha) and 6+7 (4.4ha). Therefore, the agricultural productivity within lot 2 is considered to have minimal value. The visitor accommodation will be located within the Class 4 land, as this is the flattest land within lot 2. Lot 1 will retain 27 ha for agricultural use.</p> <p>The proposal is to be located on rural land in order take advantage of the views from the elevated position. The applicant is putting forward that visitor accommodation would be a higher and better use of land, compared to the limited agricultural potential of the site.</p> <p>The proposal is considered to be consistent with the desired future character statements. The site will consist of areas for agriculture, and a small mixture development. The proposal is utilising the topography of the site to make the most of the aesthetic value of the site. The proposal will disturb the scenic attributes of the site when viewed from Wynyard, with the development including 12 buildings, an access driveway, parking areas and landscaping. The proposal includes a boundary realignment, with lot 2 including land required for the development, as well as sufficient buffer distances to agricultural uses to be retained in lot 1.</p> <p>The subject site is not within a proclaimed irrigation district.</p> <p>The application has suggested that it complies with performance criteria (c)(i), with the naturally occurring resource being the topography of the land, with the elevation providing views from the site. It is agreed that the term “naturally occurring resource” is not defined within the planning scheme.</p> <p>The nearest definition within the Macquarie Dictionary is “natural resource”. It is defined as:</p> <p><i>The naturally-occurring sources of wealth of a region, country, etc, comprising land, forests, minerals, water, oil and gas, and other energy resources such as sun and wind.</i></p> <p>The definition does not consider views, or the topography of land that provides for a view to be obtained. Therefore, Council planning officers do not believe that the proposal can comply with this subclause.</p> <p>Due to the lack of a definition within the planning scheme, legal advice as to whether a “naturally occurring</p>	

resource” could include a view was sought. The legal opinion has confirmed the Council officers’ assessment. The legal opinion has considered the matter in greater detail.

As the natural resources definition includes the term naturally-occurring, and this not being a separately defined term, they have been considered interchangeable. The definition of “resource” has also been considered:

1. a source of supply, support or aid; 2. the collective wealth of a country, or its means of producing wealth; 3. money, or any property which can be converted into money; assets; ...

The definitions refer to tangible items that can be contained within a marketable form. While a view can have an impact on the value of land, a view may be comprised of something that is constructed, such as a building, and is therefore not naturally occurring. The legal opinion concludes that “Ultimately, a view is a subjective value which attaches only to that land; it cannot be converted into a marketable form for use elsewhere”.

The information submitted to support the application is not sufficient to determine compliance with the other subclauses listed under P1(c).

The proposal is not considered to comply with the performance criteria, and therefore refusal of the development must be recommended.

26.4.2 Location and configuration of development

<p>A3.1</p> <p>A building or utility structure, other than a crop protection structure for an agricultural use or wind power turbines or wind power pumps, must –</p> <ul style="list-style-type: none"> (a) not project above an elevation 15m below the closest ridgeline; (b) be not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland; (c) be below the canopy level of any adjacent forest or woodland vegetation; and (d) clad and roofed with materials with a light reflectance value of less than 40%. 	<p>P3.1</p> <p>The location, height and visual appearance of a building or structure except for wind power turbines or wind power pumps must have regard to –</p> <ul style="list-style-type: none"> (a) minimising the visual impact on the skyline; (b) minimising height above the adjacent vegetation canopy; (c) minimising visual impact on the shoreline or a marine or aquatic water body, water course, or wetland where possible; and (d) minimising reflection of light from an external surface.
<p>A3.2</p> <p>Wind power turbines and wind power pumps must not exceed 20m in height.</p>	<p>P3.2</p> <p>Wind power turbines or wind power pumps must minimise their impacts on the broader landscape having regard to –</p> <ul style="list-style-type: none"> (a) the visual impacts of the development; (b) the characteristics of the vicinity of the site; (c) the characteristics of the wind resource; (d) the topography of the site and how that location affords access to wind; and

	(e) potential impacts on birds.
<p>Planning Comment: Complies</p> <p>The proposed development has an elevation 15m below the closest ridgeline, being the top of the hill (95.136m AHD). The proposal is required to address the performance criteria. The proposal meets the other listed acceptable solutions.</p> <p>The rooflines of the proposed villas vary between 79m AHD and 88.75m AHD. Therefore, all of the villas maintain a height of below 90m AHD, and will therefore not penetrate into the skyline above the hill top.</p> <p>The proposal complies with the performance criteria.</p>	

26.4.3 Location of development for sensitive uses

<p>A1</p> <p>New development, except for extensions to existing sensitive use where the extension is no greater than 30% of the existing gross floor area of the sensitive use, must –</p> <p>(a) be located not less than –</p> <ul style="list-style-type: none"> (i) 200m from any agricultural land; (ii) 200m from aquaculture or controlled environment agriculture; (iii) 500m from the operational area boundary established by a mining lease issued in accordance with the Mineral Resources Development Act 1995 if blasting does not occur; or (iv) 1000m from the operational area boundary established by a mining lease issued in accordance with the Mineral Resources Development Act 1995 if blasting does occur; or (v) 500m from intensive animal husbandry; (vi) 100m from land under a reserve management plan; (vii) 100m from land designated for production forestry; (viii) 50m from a boundary of the land to a road identified in Clause 26.4.2 or to a railway line; and (ix) clear of any restriction imposed by a utility; and <p>(b) not be on land within a proclaimed irrigation district</p>	<p>P1</p> <p>New development, except for extensions to existing sensitive use where the extension is no greater than 30% of the existing gross floor area of the sensitive use, must minimise –</p> <ul style="list-style-type: none"> (a) permanent loss of land for existing and potential primary industry use; (b) likely constraint or interference to existing and potential primary industry use on the site and on adjacent land; (c) permanent loss of land within a proclaimed irrigation district under Part 9 Water Management Act 1999 or land that may benefit from the application of broad-scale irrigation development; and (d) adverse effect on the operability and safety of a major road, a railway or a utility
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under Part 9 Water Management Act 1999 or land that may benefit from the application of broad-scale irrigation development	
<p>Planning Comment: Complies</p> <p>The proposed development is for the visitor accommodation use class. The proposed visitor accommodation use is considered to be a new sensitive use and is located within 200m of agricultural land; therefore it must address the performance criteria.</p> <p>It is acknowledged that agricultural land will be converted to allow for the development. However, it is argued that the agricultural resource, being the soil, is constrained. The constraints include steeply sloping land, land susceptible to landslide, lack of water for irrigation and poor soil quality. The soil classes within proposed lot 2 consists of a mixture of 4 (1.5ha), 5 (0.8ha), 6 (3.1 ha) and 6+7 (4.4ha). Therefore, the agricultural productivity within lot 2 is considered to have minimal value. Permanent loss of land for existing and potential primary industry use would be limited to a relatively small portion of the development, being the units, car park and access driveway. The visitor accommodation will be located within the Class 4 land, as this is the flattest land within lot 2. Lot 1 will retain 27 ha for agricultural use.</p> <p>The development will not unreasonably constrain agricultural use on the adjoining property, which will be the proposed lot 1. This is due to differences in grade and steep sloping land restricting agricultural use, and the location of the existing dwelling, which will be adjacent to the proposed villas. Additionally, the agricultural assessment has recommended that a 5m wide vegetation buffer be planted along the western boundary of lot 2.</p> <p>The subject site is not located within a proclaimed irrigation district, nor is the site identified as land that would benefit from a broad scale irrigation district.</p> <p>The proposal will have no impact upon operability and safety of a major road, a railway or a utility.</p> <p>The proposal is therefore consistent with the performance criteria.</p>	

26.4.4 Subdivision

<p>A1</p> <p>Each new lot on a plan of subdivision must be –</p> <p>(a) a lot required for public use by the State government, a Council, a Statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a statutory authority</p>	<p>P1</p> <p>(a) A plan of subdivision to reconfigure land must –</p> <p>(i) be required to restructure, re-size, or reconfigure land for primary industry use; and</p> <p>(ii) not create an additional lot;</p> <p>(b) A plan of subdivision to create a new lot must –</p> <p>(i) be required for a purpose permissible in the zone;</p> <p>(ii) be of a size and configuration that is not more than is required to accommodate the nominated use in accordance with the applicable standards of this planning scheme for such use;</p> <p>(iii) retain the balance area for primary industry use;</p> <p>(iv) minimise unnecessary and permanent loss of rural resource land for existing and potential primary industry use;</p> <p>(v) minimise constraint or interference to existing and potential primary industry use on the site and of adjacent land in the zone; and</p> <p>(vi) minimise unnecessary and permanent loss of land within a proclaimed irrigation district under Part 9 Water Management Act 1999 or land that may benefit from the application of broad-scale irrigation development; or</p> <p>(c) A plan of subdivision to reduce the area of an existing lot on a sealed plan containing a lawful use must –</p> <p>(i) not be land containing a residential use approved by a permit granted under the Land Use Planning and Approvals Act 1993 as a required part of a permitted use;</p> <p>(ii) incorporate the excised area into an existing primary industry lot by amalgamation in a manner acceptable to the Recorder of Titles R32;</p> <p>(iii) minimise likelihood for the existing use on the reduced area lot to further constrain or interfere with use of the balance area or adjacent land for an existing or potential primary industry use; and</p> <p>(iv) retain a lot with a size and shape that –</p>
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	<p>a. can accommodate the lawful existing use or development in accordance with the applicable standards for that use; or</p> <p>b. does not further increase any non-compliance for use or development on the existing lot</p>
<p>Planning Comment: Complies</p> <p>The proposal must address the performance criteria as the lots are not required by state or local government authority or corporation.</p> <p>The proposal has addressed compliance with P1(b). Visitor accommodation is a permissible use in the zone. Lot 2 has sufficient area for the development, as well as a buffer to adjoining uses. The balance land is retained within lot 1 for an agricultural use. The agricultural land that will be converted has been demonstrated to have limited value, due to constraints such steep sloping land, landslide risk, proximity to residential uses and poor quality soils. The size of lot will minimise constraint, as would a recommended vegetation buffer to be planted along the western boundary. The land is not within, and it is not likely to be within a proclaimed irrigation district.</p> <p>The proposal is considered consistent with the performance criteria.</p>	

10.4.13 Subdivision

<p>A1</p> <p>Each new lot on a plan of subdivision must be –</p> <p>(a) intended for residential use;</p> <p>(b) a lot required for public use by the State government, a Council, a Statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a statutory authority</p>	<p>P1</p> <p>Each new lot on a plan of subdivision must be –</p> <p>(a) for a purpose permissible in the zone</p>
<p>Planning Comment: Complies</p> <p>The proposal must consider this clause, as the boundary reconfiguration includes land zoned General Residential. The proposal is to be assessed against the performance criteria, as the development is not for a residential use, and the lots are not required by state or local government authority or corporation.</p> <p>The proposal is considered to comply with the performance criteria, as visitor accommodation is a permissible purpose in the General Residential Zone.</p>	

Part E Codes

Bushfire-Prone Areas Code

- E1 The Bushfire Prone Areas Code has been triggered for the purposes of the boundary reconfiguration, as this is required to go through a subdivision process. The applicant has provided a Bushfire Hazard Report prepared by Scott Livingston of Livingston Natural Resource Services providing an exemption, stating that the boundary reconfiguration does not cause an increase in risk to the habitable building on Lot 1.

Airport Impact Management Code

E2.6.2 Protection of operation airspace

Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Use or development must not –</p> <p>(a) penetrate the Obstacle Limitation Surface (OLS); or</p> <p>(b) interfere with operation of aviation facilities</p>	<p>P1</p> <p>The relevant airport operator or aviation agency must advise –</p> <p>(a) it is satisfied the use or development does not have adverse effect on efficient operation and safety of operational airspace or the function of an aviation facility; and</p> <p>(b) any condition or requirement for the location, design, and control of the use or development if it -</p> <p>(i) penetrates the Obstacle Limitation Surfaces (OLS); or</p> <p>(ii) is likely to interfere with operation of an aviation facility</p>
<p>Planning Comment: Complies</p> <p>The proposed development site itself is located on land which penetrates the conical surface of the Obstacle Limitation Surface (OLS) and is on the approach path to the airport.</p> <p>The proposal was referred to the Burnie Airport Corporation. A response was received and states that the airport operator is satisfied the development will not have an adverse effect on the efficient operational airspace or function of the aviation facility, subject to conditions.</p> <p>The proposal complies with the performance criteria.</p>	

Clearing and Conversion of Vegetation Code

- E3 The application is exempt from this Code in accordance E3.4.1.

Change in Ground Level Code

- E4 The application meets the acceptable solutions within this code.

Local Heritage Code

- E5 Not applicable to this application.

Hazard Management Code

- E6 The proposal is to be constructed within areas of no or low landslide hazard. The exceptions to this are the proposed water and sewer services. These pipelines are proposed to cross an area of Medium Landslide Hazard. However, services and utilities are exempt from the Hazard Management Code provided that the excavations are no deeper than 0.5m. As a Hazard Risk Assessment has not been submitted to support the application, it is taken that these services will not be located any deeper than 0.5m.

Should detailed design determine that deeper excavations are required, then a further planning permit application will be required to assess the works against the Hazard Management Code.

Signs Code

- E7 Not applicable to this application.

Telecommunications Code

- E8 Not applicable to this application.

Traffic Generating Use and Parking Code

- E9 The application meets the acceptable solutions within this code.

Water and Waterways Code

- E10 Not applicable to this application.

Interim Planning Directive No. 2 - Exemption and Standards for Visitor Accommodation in Planning Schemes

A1 Visitor Accommodation: (a) guests are accommodated in existing buildings; and (b) has a gross floor area of not more than 300m ² .	P1 Visitor Accommodation must: (a) not cause an unreasonable loss of privacy to adjoining properties; (b) be of a scale that respects the character and use of the area; (c) not adversely impact the safety and efficiency of the local road network; and (d) not unreasonably disadvantage owners and users of rights of way.
<p>Planning Comment: Complies</p> <p>As the visitor accommodation is proposed on a site that includes the General Residential Zone, the Interim Planning Directive is applicable.</p> <p>The proposal does not comply with the acceptable solution, as the proposal is for new buildings to accommodate guests. The proposal is to be assessed against the performance criteria.</p> <p>The General Residential Zone is limited the land within the property at 14 Inglisdale Drive. This land will be included within the proposed lot 2. Development within this title is limited to construction of the access driveway.</p>	

None of the villas will be located within the area zoned General Residential. In fact, the visitor accommodation will be separated by approximately 170m. Therefore, the proposal will not result in a lack of privacy.

The internal access driveway will be in the centre of what is currently 14 Inglisdale Drive. As the driveway is not set to an adjoining side boundary with another residential lot, then the traffic using the driveway is unlikely to disturb the residential amenity.

The increase in traffic volume will not impact on the safety or efficiency of the local street network. The location of the access has been considered under the Road Access and Stormwater Drainage Assessment and deemed safe.

The proposal does not utilise a right of way.

The proposal is considered to comply with the performance criteria.

STATUTORY IMPLICATIONS

Land Use Planning and Approvals Act 1993

The Council is established as a Planning Authority by definition under Section 3(1) of the *Land Use Planning and Approvals Act 1993* (the Act), and must enforce the *Waratah-Wynyard Interim Planning Scheme 2013* (the 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 any public representations received. It is noted that one (1) representation was received during the exhibition period.

STRATEGIC IMPLICATIONS

There are no significant strategic implications identified.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

With the Council acting as a Planning Authority there is limited risk, 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.

The *Land Use Planning and Approvals Act 1993* provides for penalties against a Planning Authority that fails to enforce its planning scheme (ss. 63a & 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 the proposal does not comply with clause; 26.3.1 (Discretionary use), of the planning scheme. The proposal has relied upon compliance with subclause 26.3.1 P1(c)(1), by stating that the development is required to be located within the Rural Resource zone, to access a naturally occurring resource on the site, being the view. However, legal opinion has confirmed that a view cannot be considered as a naturally occurring resource.

There are other subclauses available under 26.3.1 P1(c), but the proposal either does not comply with the subclauses, or insufficient detail has been submitted to determine compliance with the subclause. It has been suggested to the applicant that some of the subclauses might provide an opportunity to further the development.

As it stands, the application does not comply with the Rural Resource Zone Code of the planning scheme. It is therefore recommended that in accordance with 8.8 and 8.10 of the planning scheme, and section 51 of LUPAA, Council refuse a planning permit for the proposed development.

RECOMMENDATION

That the Council refuse an application for visitor accommodation and subdivision at 32 Table Cape Road and 14 Inglisdale Drive, Wynyard on the following grounds;

-
- (1) The application does not demonstrate compliance with Clause 26.3.1 P1(c) of the *Waratah-Wynyard Interim Planning Scheme 2013*. The application has specifically addressed (c)(i). However, the proposal is not required to be located on rural resource zoned land to access a naturally occurring resource on the site. A view, or topography of land to provide for a view, is not considered to be a naturally occurring resource. The application does not comply with or insufficient detail has been provided to determine compliance with subclauses (c)(ii) to (c)(vii).

Reviewed by



Rebecca Plapp
Town Planner

Date 8 February 2018



Ashley Thornton
Acting Manager Development and Regulatory Services

Date 8 February 2018

PID 3464951

MOVED BY	CR HYLAND
SECONDED BY	CR FRIEDERSDORFF

The application is consistent with all relevant provisions of the *Waratah-Wynyard Interim Planning Scheme 2013* (Planning Scheme), and therefore it is recommended that in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the Planning Scheme, that approval be granted for Visitor Accommodation and Subdivision at 32 Table Cape Road and 14 Inglisdale Drive, Wynyard subject to the following conditions:-

PART A CONDITIONS:

- (1) The development is to be generally in accordance with the application as submitted and endorsed documents as listed:
- Proposal plans with Project Number 2945, as prepared by S Group and dated 15 November 2017.
 - Plan of Subdivision with Reference Number 13205_M1 as prepared by A E Dodds and dated 4 October 2017.
 - Concept Site Services Plans with Project Number 17.219 as prepared by Rare and dated 5 October 2017.
 - Infrastructure Services Report with Project Number 17219 as prepared by rare and dated 16 October 2017.

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- e) Planning report and response to information request as prepared by Metier Planning and Development.
 - f) Agricultural assessment as prepared by Macquarie Franklin and dated 16 October 2017.
- (2) The development is to be in accordance with the submitted Bushfire Hazard Management Plan as prepared by Scott Livingston of Livingston Natural Resource Services and dated 5 October 2017.
 - (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) Hydraulic assessment is to be undertaken to determine adequate internal stormwater reticulation network and associated property connection. This information is to be submitted as part of the building/plumbing approvals process.
 - (6) Loading and un-loading of vehicles is to be confined to within the boundaries of the property.
 - (7) The internal road network and associated off street car parking and hardstand areas are to be surfaced in an all-weather material such as concrete, asphalt or bitumen spray seal.
 - (8) Vehicular access to and egress from the site is to occur only in a forward motion.
 - (9) External colours and finishes are to have a maximum reflectance of 40%, details of proposed colours are to be submitted for approval by the Manager Development and Regulatory Services prior to construction.
 - (10) 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.
 - (11) A Final Survey Plan is to be submitted to Council for sealing. The plan is to be drawn to scale and prepared in accordance with the requirements of the Recorder of Titles and will form part of this Permit when sealed. The Final Survey Plan is to be substantially the same as the endorsed plan.
 - (12) 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) Any building or structure erected on the property must not exceed a maximum erected height (including any protrusions thereon (vents, aerials etc) of 8.5 metres, above the existing ground level**
- (2) Any tree or vegetation on the property must not exceed a maximum erected height of 8.5 metres, above the existing ground level**
- (3) If any building, structure, tree or vegetation or any protrusions thereon exceed the limits set (under clauses 1&2), at any time they must be immediately removed**
- (4) Any lighting on the property must comply with section 9.21 (Lighting in the Vicinity of Aerodromes) of the Civil Aviation Safety Authority, Manual of Standards Part 139 – Aerodromes;**
- (5) Prior to the erection of any external lighting the developer/owner must provide an external lighting plan and a lighting plan approval by Council/ Burnie Airport Corporation and that plan must comply with section 9.21 (Lighting in the Vicinity of Aerodromes) of the Civil Aviation Safety Authority, Manual of Standards Part 139 – Aerodromes. No external lighting to be installed without Approval;**
- (6) No activity should be undertaken that has a propensity to attract wildlife, particularly birds or bats. Should the use of the property or design of the building attract wildlife the owner must mitigate this risk in consultation with the airport operator and qualified bird and wildlife management expert;**
- (7) Any product or waste must be managed so as not to attract wildlife;**
- (8) Prior to the commencement of work a landscaping plan must be submitted to the Burnie Airport Corporation for its approval, modification or rejection in relation to matters relevant to the Airport's requirements.**

PART C CONDITIONS:

- (1) The person responsible for the activity must comply with the conditions contained in Schedule 2 of Permit Part C 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 2017-01702-WWC.**

Notes: -

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

-
-
- This project must be substantially commenced within two years of the issue of this permit.
 - A “Works within the Road Reservation” permit must be obtained from Council for all activity within the Road Reservation.
 - The applicant is advised to consult with a building surveyor to ensure the development is constructed in accordance with *Building Act 2016*.
 - Any plant/equipment including concrete pumps, cranes, and the like used in construction should comply with the same maximum height provisions. If this is not feasible, approval for their use will require separate application to the Burnie Airport Corporation (48 hours prior notice required).
 - The development is to comply with the Road Access and Stormwater Drainage Assessment dated 19 December 2017.
 - 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*.
 - This permit is based on information and particulars set out in Development Applications 135/2017 and SD 2049. Any variation requires an application for further planning approval of Council.
 - Attention is drawn to existing or proposed electricity infrastructure, please be sure to contact Aurora Energy on 1300 132 003 to ensure these works do not impede on existing electricity easements and are at a safe distance from powerlines. Failure to do so could result in the relocation of electricity assets at your cost.
 - Under Section 61 (4) of the *Land Use Planning and Approvals Act 1993*, the applicant has the right to lodge an appeal against Council’s decision. Notice of appeal should be lodged on the prescribed form together with the required fee within fourteen days after the date on which notice of the decision was served on that person, to the Resource Management and Planning Appeal Tribunal, GPO Box 2036, Hobart, 7001.

Cr Fairbrother moved an AMENDMENT to the motion

MOVED BY	CR FAIRBROTHER
SECONDED BY	CR BRAMICH

That the Planning Authority is satisfied that the application is consistent with all relevant provisions of the Waratah-Wynyard Interim Planning Scheme 2013 (Planning Scheme), and therefore it is recommended that in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the Planning Scheme, that approval be granted for Visitor Accommodation and Subdivision at 32 Table Cape Road and 14 Inglisdale Drive, Wynyard subject to the following conditions:-

The AMENDMENT to the MOTION was put and was CARRIED

IN FAVOUR

		CR BRAMICH	CR DUNIAM
CR FAIRBROTHER			CR WRIGHT

AGAINST

	CR BRADLEY		
	CR FRIEDERSDORFF	CR HYLAND	

The AMENDED MOTION was put

That the Planning Authority is satisfied that the application is consistent with all relevant provisions of the Waratah-Wynyard Interim Planning Scheme 2013 (Planning Scheme), and therefore it is recommended that in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the Planning Scheme, that approval be granted for Visitor Accommodation and Subdivision at 32 Table Cape Road and 14 Inglisdale Drive, Wynyard subject to the following conditions:-

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- (4) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.**
 - (5) Hydraulic assessment is to be undertaken to determine adequate internal stormwater reticulation network and associated property connection. This information is to be submitted as part of the building/plumbing approvals process.**
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- (1) The person responsible for the activity must comply with the conditions contained in Schedule 2 of Permit Part C 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 2017-01702-WWC.**

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- The development is to comply with the Road Access and Stormwater Drainage Assessment dated 19 December 2017.

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- 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*.
 - This permit is based on information and particulars set out in Development Applications 135/2017 and SD 2049. Any variation requires an application for further planning approval of Council.
 - Attention is drawn to existing or proposed electricity infrastructure, please be sure to contact Aurora Energy on 1300 132 003 to ensure these works do not impede on existing electricity easements and are at a safe distance from powerlines. Failure to do so could result in the relocation of electricity assets at your cost.
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The AMENDED MOTION was put and was CARRIED

IN FAVOUR

	CR FRIEDERSDORFF	CR BRAMICH	CR DUNIAM
CR FAIRBROTHER		CR HYLAND	CR WRIGHT

AGAINST

	CR BRADLEY		

7.4 YACHT CLUB REDVELOPMENT INCLUDING CAFÉ, BOUNDARY ADJUSTMENT AND SITE WORKS –LOCATED AT 2A OLD BASS HIGHWAY WYNYARD– DA 153/2017

To: Council
Reporting Officer: Town Planner (Consultant)
Responsible Manager: Acting Manager Development and Regulatory Services
Report Date: 8 February 2018
File Reference: 7077609
Supporting Documents: **REFER ATTACHMENT B**
Development Application Form x 4 pages
Crown Consent letter x 1 page
Location Map x 1 page
Planning Submission – 6ty^o 57 pages
Proposal plans
Camp Creek Wynyard Modelling Assessment
Water Technology Final Report (26 pages)
Water Technology Supporting Information (6 pages)
Appendix C Traffic Impact Assessment – GHD (12 pages)
Appendix D Water Usage Calculations (1 page)
Appendix E – Concept Landscape Plan (1 page)
Representation 1 –Bruce and Robin Cameron (2 pages)
Representation 2 –David and Anne Pendlebury (2 pages)
Representation 3 – Jack Gilligan (1 page)
Representation 4 – Justin McErlain (5 pages)
Representation 5 – Keith and Wendy Boyle (4 pages)
Extension of time x 1 page

PURPOSE

The purpose of this report is for Council to consider the merits of an application for a subdivision (boundary adjustment), café (food services), sport and recreation (club rooms, boat storage, mezzanine) and pleasure boat facility (boat ramp) inclusive of turning and maneuvering areas, car parking demolition of existing Yacht Club and landscaping against the provisions of the *Waratah-Wynyard Interim Planning Scheme 2013* (The Interim Planning Scheme).

BACKGROUND

The site is identified as 2A Old Bass Highway, Wynyard (untitled; PID 7077609), with a second parcel of land also untitled, which does not have a PID and includes Camp Creek.

The Wynyard Foreshore & Environs Masterplan was finalised and in endorsed in April 2016 by Waratah-Wynyard Council. The subject proposal is generally aligned with the masterplan in that it included the demolition of the existing yacht club, the construction

of a new yacht club, the reclamation of part of Camp Creek and the construction of additional car parking (including for boat trailers), manoeuvring and turning areas.

A locality plan with the area shaded in blue identifying the property is provided in Figure 1 below.



Figure 1: Site area identified by blue dots, includes part of Camp Creek

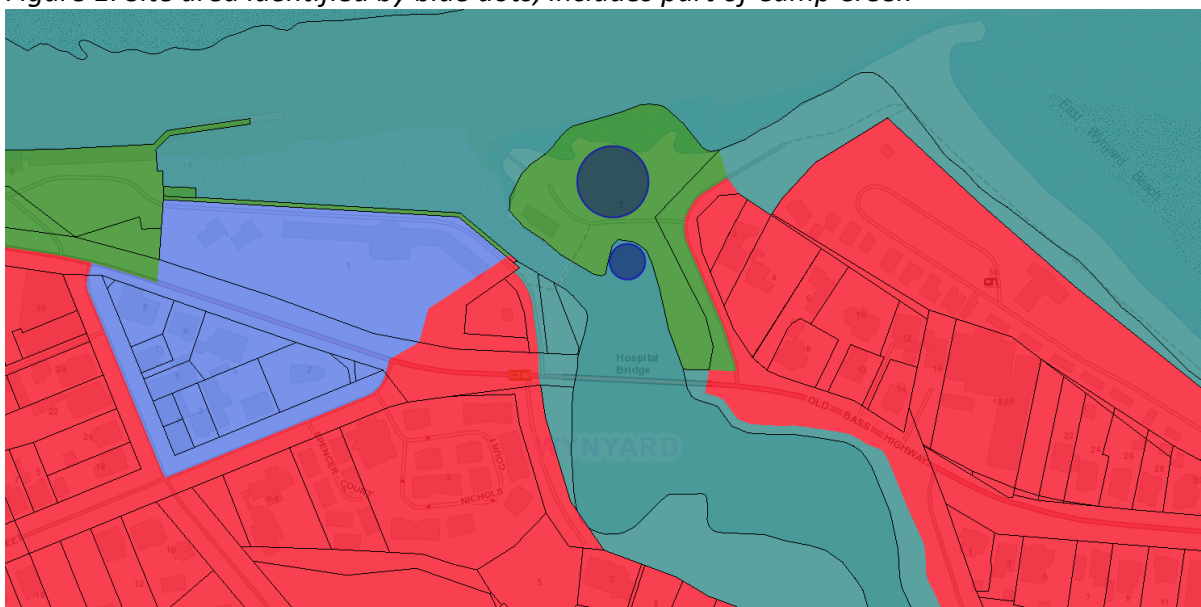


Figure 2. Locality plan site area is zoned Environmental Management (area of Camp Creek to be reclaimed) and Open Space as identified by the blue dots. (Source: Thelist)

DETAILS

This report assesses the proposal against the relevant provisions of the Planning Scheme, specifically the requirements of the Open Space Zone, the Environmental Management Zone, the Change in Ground Level Code, the Traffic Generating Use and Parking Code and the Water and Waterways Code. The report also takes into account the representations received during the public exhibition period.

The proposal includes the demolition of the existing yacht club and the construction of a new yacht club which includes an area of 334m² for boat storage, 177m² for the club rooms and a 148m² for an office space, meeting room and storage. In addition to the club rooms area, are the amenities which include showers and change rooms (88m²), with additional toilets being available to the public (23m²) and a café that has an area of 256m² with an associated deck area of 100m². The building will be a maximum of 6m in height, includes colorbond roof sheeting, painted fibre cement sheet cladding, timber vertical cladding and powder coated aluminium framed windows and doors, with four colorbond roller doors to access the club rooms and boat storage areas.

The proposal also includes the reclamation of approximately 1,500m² of Camp Creek, with this area generally to be sealed and used for car parking and vehicle manoeuvring areas.

Further, the proposal includes the upgrade of the manoeuvring area associated with the boat ramp, a landscaping plan and a boundary adjustment to ensure all buildings and structures are within the title boundaries.

The uses fall within the use classes of Pleasure Boat Facility, Sport and Recreation and Food Services.

The applicant is applying for discretion under the following clauses:-

- Clause 19.3.1 A1 Discretionary permit use.
- Clause 19.4.2 A4 (b) The building is within 30m of a water course
- Clause 19.4.2 A5 change in natural ground level occurs outside of the maximum building area
- Clause 19.4.2 A6 car parking is located between the primary frontage and the elevation of the building.
- Clause 19.4.3 A1 development of land with a boundary to the General Residential Zone
- Clause 19.4.4 A1 subdivision is not required of public use by the State Government or other statutory authority
- Clause 29.3.2 A2 Discretionary permit use
- Clause 29.4.3 A2 Building height
- Clause 29.4.3 A3 setback from water body
- Clause 29.4.3 A4 (a) change in natural ground level

- Clause 29.4.4 Subdivision the resultant lot is not required for public use by the State Government or other statutory authority.
- Clause E4.6.1 A1 Change in existing ground level
- Clause E9.5.1 A1 Number of car parking spaces provided
- Clause E9.5.2 A1 Provision for loading and unloading of vehicles
- Clause E10.6.1 A1 Development in proximity to a water body, watercourse or wetland
- Clause E10.6.2 A1 Development in a shoreline area

CONSULTATION PROCESS

The consultation process was the public exhibition period set out in the *Land Use Planning and Approvals Act 1993 (LUPAA)* and involved notification of adjoining land owners, public notices onsite and advertising in a daily newspaper. The application was placed on public exhibition for a period of 14 days as required under LUPAA. The period for representations closed on 15 January 2018. Five (5) representations were received within the statutory period and one (1) late submission received. 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 representations which are included as an enclosure to this report.

Representor – Bruce and Robin Cameron

The representors' issues raised have been summarised as the following:

1. The proposed development does not enhance the site for all those that currently use, it in particular the fishermen etc with motorcraft.
2. Public open space and environmental management land should not be used for a restaurant, particularly given proximity to other similar businesses.
3. Mass of building does not blend with adjacent residential scale.
4. Proposal does not cater adequately for trailer parking; for example 3/1/2018 at 11.30am there were 20 cars with trailers and on Sunday 7 January 2018 there were 12 cars with trailers – the longest being 16m. On occasion this number is greater.
5. Flooding is a concern since the holding capacity of flood waters above the weir is being reduced by filling areas. Studies clearly show that no properties are at risk of flooding, but such studies have not been based on an actual stream flow gauge figure for the lower entry to Camp Creek, nor do they take into account the joint probability of high river levels and storm tide which is stated as being above the scope of the current assessment. Also there is not allowance for rising sea levels except in relation to the recommended floor level for the building at 3.31m.

Planning Response:

The proposal includes the demolition of the existing building and the construction of new facility. It is considered that the facility, albeit larger, is not out of scale with the townscape and the vegetated backdrop when viewed from the Inglis River. The Food Services is considered to complement the recreational uses of the facility and nearby recreation area. The number of trailer parks provided exceed the scheme requirements, with the Water Technology report concluding that there will be no risk of increase flooding to buildings or infrastructure.

Representor – David and Annie Pendlebury
The representors' issues raised have been summarised as the following:
<ol style="list-style-type: none"> 1. Whilst we believe developing the foreshore and enhancing its natural beauty would be a positive attraction for Wynyard, we feel very concerned about a restaurant being established in the development. There are at least 18 eateries and 5 sporting establishments which offer kitchen and bar facilities in the Wynyard area.
Planning Response:
The planning scheme does not enable consideration of the existing restaurants cafes and the like in the township.
Representor – Jack Gilligan
The representors' issues raised have been summarised as the following:
<ol style="list-style-type: none"> 1. Concerned with the lack of allocated boat and trailer car parks – insufficient to meet demand. 2. Proposal has lost sight of the fishing community which is very large in Wynyard.
Planning Response:
The trailer parking provided meets the planning scheme requirements. The works proposed include the upgrading of the access and manoeuvring areas for the boat ramp.
Representor – Justin McErlain
The representors' issues raised have been summarised as the following:
<ol style="list-style-type: none"> 1. Camp Creek realignment/filling. Concerned that modification to the current flow / design of Camp Creek will result in a risk to our business and property of a flooding event. 2. Parking and congestion. 3. Guest safety using walkways to get to beach. Inadequate number of car parking spaces and boat trailer parking spaces. 4. Amenity impact of Yacht Club development through increased activity and associated noise and non-compatible use within residential area and adjacent to accommodation facility. No hours of operation provided. 5. Disruption to our business by construction activity should the project proceed.
Planning Response:
The Water Technology report established that there will be no increase in flooding caused by the Camp Creek reclamation. Pedestrian access is available between the boat storage and club rooms leading directly to the pedestrian crossing of the creek. It is acknowledged that there may be some amenity impact on the adjacent residential area, however as established in the body of the report the proposed setback of the restaurant is substantially in accordance with the acceptable solution, thereby having a negligible impact on the amenity outcome. A condition recommending hours of operation has been included in the permit. A condition is recommended that requires a construction management plan given the public nature of the site and the adjacent residential area.
Representor – Keith Boyle and Wendy Boyle
The representors' issues raised have been summarised as the following:
<ol style="list-style-type: none"> 1. Loss of Crown reserve to private hands – such as Council establishing the enterprise on the Crown reserve on the northern side which ultimately led to the alienation of this reserve from the public as it was transferred to freehold title closing off public access 2. Noise, odour, operating hours in proximity to residential area – conflicting uses. 3. Concerned with the estimated impacts of Camp Creek will create significant Council spending of ratepayers funds. 4. Visual impact – by both building reclamation of creek with sealed car park. 5. Concerned with the effects on the Bass Highway junction – in particular turning off the highway to the yacht club.

Planning Response:

The area is currently and largely used for the launching of boats, the rigging of boats and the parking of cars and trailers. The only additional use is the food services which are considered to complement the recreational opportunities available on the site. The spending of rate payers funds is not a relevant planning consideration. A traffic impact statement was provided with the documentation, which satisfies the requirements of the Code. All other concerns have been addressed above.

INTERNAL REFERRALS

Engineering Services Department

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

1. Off street car parking and hardstand areas are to be surfaced in an all-weather material such as concrete, asphalt or bitumen spray seal.
2. The internal road is to be compacted crushed rock pavement, designed in accordance with Austroads Pavement Design Guidelines, with a minimum total pavement thickness of 300mm plus a 40mm asphalt seal, concrete kerb and channel to the reasonable requirements of the Director Infrastructure and Development Services.
3. 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 1 in 20 year ARI storm and discharged to a legal point of discharge to the reasonable requirements of the Director Infrastructure and Development Services.
4. An oil interceptor pit is to be constructed to any outfall discharge into Camp Creek and Inglis River.
5. A court bowl of radius 9.0 metres and otherwise in accordance with Tasmanian Standard Drawing TSD-R07-v1, Urban Roads Cul-De-Sac Turning Heads 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.
6. Before a building permit may be issued for the development, the applicant is to submit the Director of Engineering Services amended plans for a carparking and driveway layout that comply with AS 2890.1. The amended plans will become endorsed plans of this permit at such time as they meet the reasonable requirements of the Director Infrastructure and Development Services and has been approved.
7. A minimum of 6m wide road access suitable for two-way traffic is to be constructed with a sealed surface between the edge of the bitumen sealed pavement of Yacht Club Access Road and the property.
8. Loading and un-loading of vehicles is to be confined to within the boundaries of the property.
9. Off-street parking accommodation is to be provided for a minimum of 33 Car park spaces and 11 car and trailer spaces. 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 and Development Services.

10. 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.
11. Before site disturbance or construction commences an environmental management plan is to be prepared and submitted for approval by the Director Infrastructure and Development Services, the plan is to outline proposed practices in relation to:
 1. Temporary run-off and erosion controls, which are to be installed before the development commences. Controls are to include, but are not limited to:
 2. Minimisation of site disturbance and vegetation removal;
 3. Diversion of up-slope run-off around cleared and/or disturbed areas, areas to be cleared and/or disturbed or filled providing such diverted run-off does not cause erosion and is directed to a legal discharge point;
 4. Installation of sediment retention traps (e.g. sediment fences, etc.) at the down slope perimeter of a disturbed area or stockpile to prevent unwanted sediment and other debris escaping from the land;
 5. Rehabilitation of all disturbed areas as soon as possible.
 6. Weed management
 7. Storage facilities for fuels, oils, greases, chemicals and the like
 8. Litter management

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

12. Before site disturbance or construction commences, a plan of management is to be prepared and submitted for approval by the Director Infrastructure & Development Services. 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.

13. Vehicular access to and egress from the site is to occur only in a forward motion.

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

Environmental Health

The application was referred to the Environmental Health Officer who recommended as follows:

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

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

EXTERNAL REFERRALS

The application was referred to TasWater on 6 December 2017. The response was received on 20 December 2017 and forms Part B of this permit.

PLANNING ASSESSMENT

The subject site is zoned Open Space and Environmental Management under the Waratah-Wynyard Interim Planning Scheme 2013. The uses proposed are Sport and Recreation (yacht club), a permitted use in both the Open Space Zone and the Environmental Management Zone, if dependent on an attribute of the site; Food Services (café) a discretionary use in both zones if not including a drive through takeaway premises; and Pleasure Boat Facility (boat ramp) a discretionary use in both the Open Space Zone and the Environmental Management Zone.

In addition to Food Services being a discretionary use in both the Environmental Management Zone and the Open Space Zone and a Pleasure Boat Facility being a discretionary use in the Open Space Zone, the proposal does not meet all of the acceptable solutions relevant to the proposed use and development and therefore a discretionary application is made under Section 57 of the Land Use Planning & Approvals Act 1993 and assessed under the Planning Scheme 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 relevant provisions for the Open Space Zone, the Environmental Management Zone and relevant Codes is provided below.

Open Space Zone

19.1.1 Zone Purpose Statements

19.1.1 Zone Purpose Statements

19.1.1.1 To provide land for open space purpose including for passive recreation and natural or landscape amenity.

Planning Comment:

The proposal includes the demolition of the existing yacht club and the construction of a new yacht club, together with the upgrade of the turning circle, access and parking area for the existing boat ramp. The existing rigging area will remain unchanged with bike access around the site being slightly relocated further south along the new access point. The opportunity for passive recreation will be minimally affected with the food services component considered to complement the passive recreation opportunities as well as the yacht club and boat ramp area. The proposal is consistent with the Zone Purpose Statements.

19.1.2 Local Area Objectives

(a) Provide for unstructured physical activity, aesthetic, buffer, environmental, relaxation and cultural purposes at a municipal, sub-regional or regional scale;

(b) Enhance the attraction, function and performance of urban and rural places.

Planning Comment:

The yacht club is an important recreational facility for the local community with the new building contributing to both its functionality and viability. The opportunity for passive recreation and unstructured physical activity is minimally affected, with the modernisation of the yacht club and the proposed cafe considered enhancing the attraction of the area. The proposal is consistent with the Local Area Objectives.

19.1.3 Desired Future Character Statements

19.1.3 Desired Future Character Statements

(a) Use or development on open space land may –

(i) provide public areas for passive recreational use;

(ii) meet anticipated need in accordance with a State, regional or municipal open space plan if incorporated into the provisions of this planning scheme;

(iii) provide a representative system or network of open space areas in accordance with a municipal, regional or State open space plan if incorporated into the provisions of this planning scheme;

(iv) protect land containing an identified ecological, scientific, cultural or aesthetic value, including as a habitat corridor or wildlife refuge, that does not warrant conservation and protection under a statutory management plan;

(v) provide for pathways and connections within an urban area;

(vi) provide for passive recreation dependent on attributes of natural area;

(vii) assist management of stormwater through provision for detention, retention and filtration systems and drainage corridors;

(viii) provide space to attenuate, buffer, separate, transition, or protect against incompatible development, exposure to natural or environmental hazard or minimise impact of use or development on land of high conservation value;

(ix) enhance individual built elements and activity places in urban and rural settings;

(x) provide areas for mental, physical and spiritual contemplation and relaxation;

(xi) support lifestyle attraction and active communities;

(xii) provide for retention of native vegetation and natural landform;

(xiii) provide for the rehabilitation of degraded natural and cultural

(xiv) provide for monuments and memorials

(b) Use or development of open space land –

(i) assists diversity in the purpose, scale, type and character of open space areas;

(ii) may involve a significant modification or embellishment of natural conditions and landform, and potentially range from remnant pockets of native bushland to highly formalised places;

(iii) is not required to be comparable with use and development on adjacent land;

(iv) may include business, community, primary industry, recreation and utility activity;

(v) is to have low impact on prescribed ecological, scientific, cultural or aesthetic value;
 (vi) may retain or rehabilitate native vegetation and natural systems; and
 (vii) may impact on the amenity of use or development on adjacent land through factors associated with the occupational and operational characteristics of an open space activity.

Planning Comment:

The proposed use and development, includes an upgrade to the existing boat ramp facilities, and the modernisation of the yacht club, with minimal changes to the passive recreation opportunities of the area. The proposed food services use is considered to complement these permitted activities, providing for the opportunity to undertake yachting, fishing and passive recreation pursuits and finish or start the activity with coffee, lunch, dinner and the like. The proposal is considered to be consistent with the desired future character statements. Making the most of the location overlooking the north of the Inglis River.

19.2 Use Table

Use Class	Qualification	Status
Passive recreation	If a public park or reserve or a building or structure for local municipal or regional community.	No permit required
Pleasure boat facility	If a boat launch and recovery ramp primarily for trailer borne recreation vessels.	Permitted
Sports and recreation	If dependent on an attribute of the site	Permitted
Food services	If not including a drive through in take away food premises	Discretionary

19.3 Use Standards

19.3.1 Discretionary permit use

Acceptable Solutions	Performance Criteria
A1 There is no acceptable solution	P1 <i>Discretionary permit use must –</i> a) <i>Be consistent with local area objectives;</i> b) <i>Be consistent with any applicable desired future character statement for the zone;</i> c) <i>be required to meet likely needs of the municipal, sub-regional or regional community; and</i> d) <i>Not have a potential to distort or displace existing and likely use on the site or on adjacent land.</i>

Planning Comment:

The discretionary use proposed is the cafe (food services). All other uses that form part of the development proposed are permitted.

The cafe component is approximately 25% of the internal floor area of the building; this use. However is considered to complement the existing uses of the site by offering a food service to the visitors of the area that are utilising the yacht club, boat ramp and nearby open areas. It is therefore considered to meet the requirements of (a) and (b). In regards to subclause (c) having a food service on the waterfront complementing a hub for water activities is common and having easy access to coffee and the like is becoming an expectation of a community and visitors rather than just a desirable service. Such examples in the north-west include the Boat Harbour Beach Surf Club and the Burnie Surf Club. Subclause (d) is met as the food service forms part of an overall masterplan for the site and does not distort or displace existing and potential future uses on the site.

The development also includes a car park on land that is zoned Open Space. This car park will be shared by both the permitted uses: pleasure boat facility and sport and recreation, as well as the discretionary use proposed as Food Services. This area of land is regularly used for informal parking of cars and trailers, thereby formalising the current use of the area. The design of the car park provides for a landscaped access around the edge of Camp Creek.

The proposal is considered to satisfy P1.

19.4.2 Location and configuration of development

Acceptable Solutions	Performance Criteria
<p>A4 <i>A building or utility structure must be –</i> (a) <i>not less than 15m below the level of any adjoining ridgeline;</i> (b) <i>not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland;</i> (c) <i>below the canopy level of any adjacent forest or woodland vegetation; and</i> (d) <i>clad and roofed with materials with a light reflectance value of less than 40%.</i></p>	<p>P4 (a) <i>The location, height and visual appearance of a building or structure must have regard to –</i> (i) <i>minimising the visual impact on the skyline;</i> (ii) <i>minimising height above the adjacent vegetation canopy;</i> (iii) <i>minimising visual impact on the shoreline or a marine or aquatic water body, water course, or wetland where possible; and</i> (iv) <i>minimising excessive reflection of light from an external surface; or</i> (b) <i>the location of a visually apparent building or structure must –</i> (i) <i>be essential and unavoidable in order to provide an overriding community benefit; or</i> (ii) <i>incapable of change due to an exceptional circumstance.</i></p>
<p>Planning Comment: The proposal does not adjoin a ridgeline or is it adjacent to forest or woodland vegetation, as such subclause (a) and (b) do not apply; the materials identified will comply with subclause (d). The proposal however is within 30m of Camp Creek, thereby requiring assessment against the corresponding performance criteria, specifically (a)(iii) and (b)(i).</p> <p>The proposed building has been architecturally designed, is located in an area that has been significantly disturbed including modifications to Camp Creek with several buildings visible from the site including the nearby residential dwellings and the Waterfront Wynyard Motel.</p> <p>The existing yacht club, which has minimal design merit and is located closer to Camp Creek than the building proposed, will be removed as part of the development. Furthermore, the proposed building is well below the dominant trees in the landscape, which will act as a backdrop to the building when viewed from the water. The proposal also includes a detailed landscape plan that identifies planting on the eastern façade together with landscaping around the perimeter of the site along Camp Creek and Old Bass Highway. The proposed building is considered to minimise visual impact on the shoreline and water course of Camp Creek.</p> <p>The proposal meets the requirements P4.</p>	
<p>A5 <i>The harvesting of timber, the clearing of vegetation and any change in natural ground level must not occur on any part of a site outside the required maximum building area or the access strip.</i></p>	<p>P5 <i>The harvesting of timber, the clearing of any native vegetation community, and any change in natural ground level must –</i> (a) <i>be consistent with any reserve management plan;</i> (b) <i>retain a sufficient intensity and distribution of vegetation to screen buildings and development areas to view from a road, public place, or settlement area;</i> (c) <i>minimise impact on the visual qualities of a shoreline, skyline, ridge, or other prominent landform feature; and</i> (d) <i>minimise likely adverse impact for natural or landscape values</i></p>

<p>Planning Comment:</p> <p>The proposal includes the reclamation of part of Camp Creek which will involve a change in natural ground level for part of the area zoned Open Space. The proposal must therefore be assessed against the corresponding performance criteria.</p> <p>Subclause (a) does not apply as the site is not subject to a reserve management plan. The area is highly disturbed with minimal natural values beyond the setting of which it is within described under P4 above, the design and location of the proposed building, which includes the removal of the existing yacht club and a landscaping plan, will minimise visual impact on the shoreline and the surrounding landscape values. The proposal satisfies the requirements of P5.</p>	
<p>A6</p> <p><i>An external car parking and loading area, and any area for the display, handling, or storage of goods, materials or waste, must be located behind the primary frontage elevation of a building</i></p>	<p>P6</p> <p><i>An external car parking and loading area, and any area for the display, handling, or storage of goods, materials or waste, must –</i></p> <ul style="list-style-type: none"> <i>(a) not dominate the architectural or visual frontage of the site;</i> <i>(b) be consistent with the streetscape;</i> <i>(c) be required by a constraint imposed by size, shape, slope, orientation, and topography on development of the site; and</i> <i>(d) provide durable screening to attenuate appearance of the a parking or loading area from a frontage and adjacent land</i>
<p>Planning Comment:</p> <p>The loading zone proposed is located between the building and the primary frontage on the south-eastern corner of the building. The proposal must therefore be assessed against the provisions of P6.</p> <p>The loading area is a single space tucked in between the landscaping and the building; the loading zone is located approximately 50m from the primary frontage with Old Bass Highway, which includes a landscaped buffer. The loading zone will be discrete and will not dominate the visual frontage of the site. The proposal meets the requirements of P6.</p>	

19.4.3 Setback from zoned boundaries

Acceptable Solutions	Performance Criteria
<p>A1</p> <p><i>Development of land with a boundary to another zone must –</i></p> <ul style="list-style-type: none"> <i>(a) be setback from the boundary of land in an adjoining zone by not less than the distance for that zone shown the Table to this Clause;</i> <i>(b) not include within the setback area required from a boundary to land in a zone shown on the Table –</i> <ul style="list-style-type: none"> <i>(i) a building or work;</i> <i>(ii) vehicular or pedestrian access from a road if the boundary is not a frontage;</i> <i>(iii) vehicle loading or parking area;</i> <i>(iv) an area for the display, handling, operation, manufacturing, processing, servicing, repair, or storage of any animal, equipment, goods, plant,</i> 	<p>P1</p> <p><i>The location of development must –</i></p> <ul style="list-style-type: none"> <i>(a) minimise likelihood for conflict, constraint or interference from sensitive use on land in an adjoining zone; and</i> <i>(b) minimise likely impact on the amenity of the sensitive use on land in an adjoining zone</i>

<p>(v) <i>materials, vehicle, or waste;</i></p> <p>(vi) <i>an area for the gathering of people, including for entertainment, community event, performance, sport or for a spectator facility;</i></p> <p>(vii) <i>a sign orientated to view from land in another zone; or</i></p> <p>(c) <i>external lighting for operational or security purposes; and</i></p> <p>(c) <i>a building with an elevation to a zone boundary must be contained within a building envelope determined by –</i></p> <p>(i) <i>the setback distance from the zone boundary as shown on the Table to this clause; and</i></p> <p>(ii) <i>projecting upward and away from the zone boundary at an angle of 45° above the horizontal from a wall height of 3.0m at the setback distance from the zone boundary; and</i></p> <p>(d) <i>the elevation of a building to a zone boundary must not contain an external opening other than an emergency exit, including a door, window to a habitable room, loading bay, or vehicle entry.</i></p>	
<p>Planning Comment:</p> <p>The proposal includes works (car parking, access and landscaping) and the café within 4m of the site boundary (frontage) shared with the General Residential Zone. The proposal must therefore be assessed against the corresponding performance criteria.</p> <p>The food services component of the building is located approximately 3.5m from the frontage boundary with Old Bass Highway, with the car parking, access and landscaping works being up to and over the frontage boundary.</p> <p>The landscaping, car parking area and access is minimally different to how the site currently operates with the car parking/access area being directly adjacent to the existing road with the landscaping between Old Bass Highway and the car parking softening any visual impact. The food services component of the building is within 20–25m of the existing residential dwellings located within the General Residential Zone, with part of the building including a deck area that will be used for alfresco dining with large bifold doors opening to the north, which is not directly towards the residential area. It is acknowledged that this proximity with the residential area may negatively impact on the residential amenity, primarily through the noise of patrons, in the evening. However, if the building was moved 500mm west it would meet the minimum permitted requirement, with the difference in amenity impact being negligible. As such, the location of the building has been minimised to a level consistent with the requirements of this standard and is consistent with P1.</p>	

19.4.4 Subdivision

Acceptable Solutions	Performance Criteria
<p>A1</p> <p><i>Each new lot on a plan of subdivision must be –</i></p> <p>(a) <i>a lot required for public use by the State government, a Council, a Statutory authority or a corporation all the shares of which are held by or on behalf of the</i></p>	<p>P1</p> <p><i>Each new lot on a plan of subdivision must be –</i></p> <p>(a) <i>for a purpose permissible in the zone.</i></p>

State, a Council or by a statutory authority	
Planning Comment: The proposal includes a boundary adjustment to accommodate the new building. The new lot is not required by the agencies listed, thereby requiring an assessment against P1. The new lot is for the yacht club and car parking which will be utilised by the pleasure boat facility and food services; all of which are permissible uses in the zone.	

29.0 Environmental Management Zone

29.1.1 Zone Purpose Statements

<p>29.1.1.1 <i>To provide for the protection, conservation and management of areas with significant ecological, scientific, cultural or aesthetic value, or with a significant likelihood of risk from a natural hazard.</i></p>
<p>29.1.1.2 <i>To only allow for complementary use or development where consistent with any strategies for protection and management.</i></p>
<p>Planning Comment: The proposal includes reclamation of Camp Creek which is zoned Environmental Management. The area to be reclaimed will include the club rooms, the amenities, part of the café and the car parking and access that will be utilised by all uses, including the boat ramp (pleasure boat facility). The application documents include a report from Water Technology that concluded the proposed reclamation will have only minor impacts associated with the proposed works. Furthermore, the original alignment of Camp Creek has been significantly altered noting that overtime the presence of the weir has restricted the movement of fine sediment from Camp Creek into the Inglis River which has resulted in an accumulation of fine sediment upstream of the weir in a series of shallow basins.</p> <p>The site area is largely open space with minimal vegetation, generally flat and is located on the edge of both the Inglis River and Camp Creek. The site does not contain significant landscape features such as Table Cape nor does it contain significant buildings or structures. The area is considered to be utilised by the community as part of a foreshore area commonly found in coastal towns.</p> <p>The area to be reclaimed does not contain significant ecological or scientific values, or have significant cultural or aesthetic value. The works proposed do not pose a risk from a natural hazard. The area is not subject to any strategies for protection and management.</p> <p>The proposal is consistent with the zone purpose statements.</p>

29.1.2 Local Area Objectives

<p><i>Environmental management land is protected, conserved and managed to –</i></p> <ul style="list-style-type: none"> <i>(a) sustain biodiversity and ecological process;</i> <i>(b) retain habitat value for native vegetation communities and fauna species;</i> <i>(c) protect significant geological features, natural landforms, and aesthetic or scenic landscape, including within the coastline and waterways;</i> <i>(d) protect places of special cultural value or heritage importance;</i> <i>(e) retain capacity of naturally occurring or renewable resources for productive economic use;</i> <i>(f) support recreation and tourism use;</i> <i>(g) minimise against intrusion and impact of conflicting use such as settlement and intensive primary production; and</i> <i>(h) Restrict new use or development on land with a high level of risk from exposure to a natural hazard.</i>
<p>Planning Comment: As identified under Planner Response 29.1.1 above, the proposed area of Camp Creek to be reclaimed</p>

will have a negligible effect on the ecological processes with no increase in risk to exposure to flooding. The proposal is consistent with the Local Area Objectives.

29.1.3 Desired Future Character Statements

- (a) *Use or development –*
- (i) *is in accordance with any conservation management requirement applying for the land in accordance with a law of or an agreement enforceable by the Commonwealth of Australia;*
 - (ii) *is in accordance with any reserve management plan applying for the land;*
 - (iii) *is in accordance with a municipal management plan for protection or conservation applying for the land and incorporated as a document forming part of this planning scheme; or*
 - (iv) *is in accordance with best practice management principles for protection and conservation of an area of significant ecological, scientific, cultural or aesthetic value, or with a significant likelihood of risk from a natural hazard; or*
- (b) *Use or development on land of significant ecological, scientific, cultural, or aesthetic value –*
- (i) *is required to enhance conservation and protection; or*
 - (ii) *may involve an activity dependent on access to land of significant ecological, scientific, cultural, or aesthetic value;*
 - (iii) *involves minimal clearing and conversion of native vegetation and modification of natural topography; and*
 - (iv) *is typically self-sufficient with respect to provision for a water supply and for drainage and disposal of sewage and stormwater*

Planning Comment:

Camp Creek is not subject to a reserve management plan or similar document. The original alignment of Camp Creek has been significantly altered with the reclamation resulting in all flood levels to a 1% AEP remaining in the channel.

In terms of the aesthetic value, the narrowing of the water course is considered to have a minimal effect visually. The development includes an architecturally designed building, the removal of a building with little design merit, the retention of majority of the established trees and a landscape plan on the western edge of the site with Camp Creek. The site is not considered to be significant ecologically, scientifically or aesthetically; the proposal is consistent with the desired future character statements.

29.2 Use Table

Use Class	Qualification	Status
Passive recreation	None	Permitted
Pleasure boat facility	None	Discretionary
Sports and recreation	If dependent on an attribute of the site	Permitted
Food services	If not including a drive through in take away food premises	Discretionary

29.3 Use Standard

29.3.1 Suitability of a site or lot for use or development

Acceptable Solutions	Performance Criteria
<p>A1 The relevant conservation management agency must advise –</p> <ul style="list-style-type: none"> (a) the use is in accordance with any applicable reserve management plan; (b) it is satisfied the health and safety of people, property and the environment is not at risk from the use; and (c) any conditions and requirements for protection, conservation, or management 	<p>P1 There is no performance criteria</p>

Planning Comment:

The proposal is not within a statutory conservation area.

29.3.2 Discretionary permit use

Acceptable Solutions	Performance Criteria
A2 <i>There is no acceptable solution</i>	P2 <i>Use on land with a high level of risk from exposure to a natural hazard must be required to provide an overriding social, economic or environmental benefit to the Region or Tasmania; and</i> <i>(a) no suitable alternate site is available; and</i> <i>(b) a hazard risk assessment in accordance with Code E2 - Bushfire Prone Areas and Code E6 - Hazard Management indicates –</i> <i>(i) there is an insufficient increase in the level of risk to warrant any specific hazard reduction or protection measures; or</i> <i>(ii) a hazard management plan demonstrates a tolerable level of risk can be achieved and maintained for the type, scale and intensity of the use</i>

Planning Comment:

The Water Technology report establishes that the land is not within a high level risk area from exposure to a natural hazard (flooding). The proposal satisfies the performance criteria P2.

29.4.3 Location and configuration of development

Acceptable Solution	Performance Criteria
A2 <i>Building height or the height of a utility structure must be not more than 8.5m</i>	P2 <i>Building height or the height of a utility structure must –</i> <i>(a) minimise likely impact of the building on the ecological, scientific, cultural or aesthetic value of the land and of adjacent land; or</i> <i>(b) building height must –</i> <i>(i) provide an overriding community benefit; or</i> <i>(ii) be required by an exceptional circumstance</i>
Planning Comment: <p>The proposal includes the reclamation of Camp Creek, of which the proposed building will encroach. This reclamation will include a depth of up to 3m in height, thereby resulting in a height from natural ground level of 9m. The proposal must therefore be assessed against the performance criteria.</p> <p>The area of building only slightly encroaches onto land zoned Environmental Management with this area being located adjacent to the vehicular access to the boat ramp. It has been established that the area has negligible ecological and scientific value; the height of the building will not affect the cultural or aesthetic value of the area given the removal of the existing building and the landscaping proposed, and there will be minimal impact on the passive recreational opportunities, with the purpose built yacht club and upgrade of the boat ramp contributing to the functionality and the diversity of the recreational pursuits of the area. The proposal is consistent with requirements of P1.</p>	
A3 <i>A building or a utility structure must be –</i>	P3 <i>(a) a building or structure must –</i>

<ul style="list-style-type: none"> (a) not less than 15m below the level of any adjoining ridgeline; (b) not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland; (c) below the canopy level of any adjacent forest or woodland vegetation; and (d) clad and roofed with materials with a light reflectance value of less than 40%. 	<ul style="list-style-type: none"> (i) not be visually apparent on a skyline; (ii) not be visually apparent above the adjacent vegetation canopy; (iii) not be visually apparent on the shoreline or a marine or aquatic water body, water course, or wetland where possible; and (iv) not be visually apparent as a result of the reflection of light from an external surface; or <p>(b) the location of a visually apparent building or structure must –</p> <ul style="list-style-type: none"> (i) be essential and unavoidable in order to provide an overriding community benefit; or (ii) incapable of change due to an exceptional circumstance.
<p>Planning Comment:</p> <p>The building will be within 30m of Camp Creek after the reclamation has occurred. The proposal must therefore be assessed against performance criteria.</p> <p>The building is not located on a skyline or ridgeline and is not adjacent to a vegetation canopy, noting that the height of the building is less than the majority of nearby trees. The building will be visually apparent, however it is considered this is unavoidable given the lack of vegetation or other such screening features, noting the existing yacht club to be removed is also visually apparent on the site, with the proposed building using low reflectivity materials and colours. It is further highlighted that the building is located in a built up area with residential buildings and commercial buildings being visible from the site. The proposal is considered to meet P3.</p>	
<p>A4</p> <ul style="list-style-type: none"> (a) Clearing and conversion of native vegetation, and any change in natural ground level must not occur on any part of a site outside the designated building area; and (b) Rehabilitation must use vegetation of a type consistent with the native vegetation of the locality 	<p>P4</p> <p>Clearing and conversion of native vegetation, and any change in natural ground level –</p> <ul style="list-style-type: none"> (a) must be consistent with the objective for any conservation management regulation or reserve management plan applying for the land; and (b) must – <ul style="list-style-type: none"> (i) retained sufficient vegetation to maintain an intact tree canopy and provide screening to cleared and converted areas; (ii) minimise impact on the visual qualities of a shoreline, skyline, ridge and other prominent landform feature; (iii) minimise exposure to view from a road, public place, or settlement area; or (c) must – <ul style="list-style-type: none"> (i) provide an overriding community benefit; or (ii) be required by an exceptional circumstance
<p>Planning Comment:</p> <p>The proposal includes a change in natural ground level (reclamation) thereby requiring assessment against performance criteria.</p> <p>The area is not subject to a conservation management plan or similar. The change in natural ground level will result in minimal vegetation clearance with the area being water and managed grass, not an intact tree canopy. The proposal includes a landscaped buffer on the bank on the edge of the development site including the bank of Camp Creek and adjacent to Old Bass Highway, thereby minimising exposure to view from a road and minimising impact on the visual qualities of Camp Creek.</p>	

29.4.4 Subdivision

Acceptable Solutions	Performance Criteria
<p>A1 Each new lot on a plan of subdivision must be –</p> <p>(a) a lot required for public use by the State government, a Council, a Statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a statutory authority</p>	<p>P1</p> <p>(a) A plan of subdivision to reconfigure land must –</p> <p>(i) be required to restructure, re-size, or reconfigure land for natural and cultural value management; and</p> <p>(ii) not create a new lot;</p> <p>(b) A plan of subdivision to create a new lot must –</p> <p>(i) be required for a purpose permissible in the zone;</p> <p>(ii) be of a size and configuration that is not more than is required to accommodate the nominated use in accordance with the applicable standards of this planning scheme for such use;</p> <p>(iii) retained the balance area for ecological, scientific, cultural or aesthetic purposes;</p> <p>(iv) minimise unnecessary and permanent loss of land for existing and potential ecological, scientific, cultural or aesthetic purposes; and</p> <p>(v) minimise constraint or interference to existing and potential ecological, scientific, cultural or aesthetic purposes on the site and adjacent land in the zone; or</p> <p>(c) A plan of subdivision to reduce the area of an existing lot on a sealed plan containing a lawful use, including a residential use, must –</p> <p>(i) not be land containing a residential use approved by a permit granted under the Land Use Planning and Approvals Act 1993 as a required part of a permitted use;</p> <p>(ii) incorporate the excised area into an existing ecological, scientific, cultural or aesthetic purposes lot by amalgamation in a manner acceptable to the Recorder of Titles;</p> <p>(iii) minimise likelihood for the existing use on the reduced area lot to further constrain or interfere with use of the balance area or adjacent land for an existing or potential ecological, scientific, cultural or aesthetic purposes; and</p> <p>(iv) retain a lot with a size and shape to–</p> <p>a. accommodate the lawful existing use or development in accordance with the applicable standards for that use; or</p> <p>b. not further increase any non-compliance for use or development on the existing lot</p>
<p>Planning Comment:</p> <p>The proposal does not satisfy the acceptable solution and therefore must be assessed against the corresponding performance criteria.</p> <p>The proposed subdivision satisfies subclause (b) in that it is required for uses permissible in the zone; is of a size and configuration that is the minimum necessary to accommodate the uses; the balance will be retained as Camp Creek and managed accordingly and the Water Technology report supporting the reclamation has established that there will be minimal interference to existing and potential ecological and scientific processes. In regards to cultural and aesthetic purposes Camp Creek is already highly disturbed and modified with the proposal including a landscape plan and public access area along the edge of the creek. The proposal is consistent with P1.</p>	

Part E Codes

E1 Bushfire Prone Areas Code

Not applicable to this application

E2 Airport Impact Management Code

Not applicable to this application

E3 Clearing and Conversion of Vegetation Code

The application is exempt from this Code in accordance E3.4.1 (a).

E4 Change in Ground Level Code

E4.6.1 Change in existing ground level or natural ground level

Acceptable Solution	Performance Criteria
A1 Cut or fill must - (a) not be on land within the Environmental Living zone or the Environmental Management zone; (b) be required to - (i) provide a construction site for buildings and structures; (ii) facilitate vehicular access; (iii) mitigate exposure to a natural or environmental hazard; (iv) facilitate provision of a utility; (v) assist the consolidation or intensification of development; or (vi) assist stormwater management (c) not result in a modification of surface stormwater water flow to increase – (i) surface water drainage onto adjacent land; (ii) pooling of water on the site or on adjacent land; or (iii) the nature or capacity of discharge from land upstream in a natural or artificial drainage channel; (d) not destabilise any existing building or increase the requirements for construction of	P1 Cut or fill must - (a) make arrangements for the drainage and disposal of stormwater; (b) make arrangements to stabilise any existing building or to increase the requirements for construction of any potential building on adjacent land; (c) manage drainage and disposal of intersected ground water; (d) safeguard the quality of receiving waters; (e) not require a retaining or support structure that would result in an area of influence within the boundary of adjacent land unless the owner of adjacent land has provided written consent to enter into an agreement under Part 5 Land Use Planning and Approvals Act 1993 registered on the title of adjacent land providing for the level of constraint; and (f) not encroach upon or expose, disturb, or reduce cover over an underground utility to less than 1.0m unless the relevant regulatory entity has advised – (i) it is satisfied the cut or fill will not result in harm to the utility; and (ii) any condition or requirement it determines are appropriate to protect the utility

<p>any potential building on adjacent land;</p> <p>(e) manage disposal of intersected ground water;</p> <p>(f) safeguard the quality of receiving waters through measures to minimise erosion and release of sediments and other contaminants during each of the site preparation, construction and rehabilitation phase in accordance with Soil and Water Management on Building and Construction Sites 2009;</p> <p>(g) Not require a retaining or support structure that would result in an area of influence within the boundary of adjacent land; and</p> <p>(h) not encroach upon or expose, disturb, or reduce cover over an underground utility to less than 1.0m unless the relevant regulatory entity has advised –</p> <p>(i) it is satisfied the cut or fill will not result in harm to the utility; and</p> <p>(ii) any condition or requirement it determines are appropriate to protect the utility</p>	
<p>Planning Comment: The fill proposed is within the Environmental Management Zone. The proposal must therefore be assessed against P1.</p> <p>The proposal includes the management of stormwater to Council's satisfaction; the supporting Water Technology report has stated in detail that there will be not be a detrimental effect on Camp Creek or existing properties with all flood waters to remain in the channel. The fill will cover a reticulated sewerage main, with TasWater providing an approval with conditions. The proposal satisfies the requirements of P1.</p>	

Local Heritage Code

E5 Not applicable to this application.

Hazard Management Code

E6 Not applicable to this code

Signs Code

E7 Not applicable to this code

Telecommunications Code

E8 Not applicable to this application.

E9 Traffic Generating Use and Parking Code

E9.5.1 Provision for parking

Acceptable Solutions	Performance Criteria
A1 <i>Provision for parking must be –</i> (a) <i>the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code;</i>	P1 (a) <i>It must be unnecessary or unreasonable to require arrangements for the provision of vehicle parking; or</i> (b) <i>Adequate and appropriate provision must be made for vehicle parking to meet –</i> (i) <i>anticipated requirement for the type, scale, and intensity of the use;</i> (ii) <i>likely needs and requirements of site users; and</i> (iii) <i>likely type, number, frequency, and duration of vehicle parking demand</i>

Table 9.1 requires:

Use Class	Minimum Parking Space Requirement	Minimum Loading Area Requirement
<i>Pleasure Boat Facility</i>	<i>Boat launching ramps 6 x spaces with capacity for vehicle trailer</i>	<i>No requirement</i>
<i>Sport and recreation</i>	<i>None specified</i>	<i>None specified</i>
<i>Food Services</i>	<i>Cafe or restaurant a) 15 x spaces/ 100m² gross floor area; or b) 1 x space/ 3 seats whichever is the greater</i>	<i>Nil</i>

The development proposed therefore requires the following parking be provided:

Use	Spaces Required
Pleasure Boat facility	6
Sport and Recreation	<i>None specified</i>
Food Services	
260m ²	39
<i>Total</i>	46 including 13 car and trailer spaces

Planning Comment:

The yacht club and club rooms do not fit within any of the categories provided under the use class of Sport and recreation under Table 9.1, as such no specific numbers of spaces are required to be provided to comply.

Moreover, the proposal includes the provisions of 46 spaces – that is 13 car and trailer spaces and 33 car parking spaces. As such the number of car parking spaces provided do not comply with the required number for the café and requires assessment against the corresponding performance criteria. It is noted, that a reconfiguration of the car parking layout could see the application meet the acceptable solution in terms of the provision of car parking, increasing car and trailer spaces to 18.

There is a public carpark located immediately adjacent the site to the east of the proposed development with capacity of approximately 20 car spaces. The car park is often underutilised and would be typically available for

overflow parking if required.

The application documents included a traffic impact statement which concluded that the number of spaces provided are sufficient to meet expected demand. The proposal is consistent with the requirements of P1.

E10 Water and Waterways Code

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

Acceptable Solution	Performance Criteria
A1 <i>There is no acceptable solution</i>	P1 <i>Development must –</i> <ul style="list-style-type: none"> (a) <i>minimise risk to the function and values of a water body watercourse or wetland [R37] , including for -</i> <ul style="list-style-type: none"> (i) <i>hydraulic performance;</i> (ii) <i>economic value;</i> (iii) <i>water based activity;</i> (iv) <i>disturbance and change in natural ground level;</i> (v) <i>control of sediment and contaminants;</i> (vi) <i>public access and use;</i> (vii) <i>aesthetic or scenic quality;</i> (viii) <i>water quality management arrangements for stormwater and sewage disposal;</i> (ix) <i>modification of a natural drainage channel;</i> (x) <i>biodiversity and ecological function;</i> (xi) <i>level of likely risk from exposure to natural hazards of flooding and inundation; and</i> (xii) <i>community risk and public safety; and</i> (b) <i>be consistent with any advice or decision of a relevant entity administering or enforcing compliance with an applicable protection and conservation regulation for –</i> <ul style="list-style-type: none"> (i) <i>impact of the development on the objectives and outcomes for protection of the water body, watercourse or wetland; and</i> (ii) <i>any condition or requirement for protection of the water body, water course or wetland</i>

Planning Comment:

The application included a detailed report and response to the Water and Waterways Code that is summarised as follows:

- The results from the detailed hydraulic modelling indicate no significant change to the performance of Camp Creek.
- The downstream reach of Camp Creek has been significantly altered since European settlement with the original mouth of the river infilled and the channel diverted west towards the Inglis River via a low weir.
- The presence of the weir has restricted the movement of fine sediment from Camp Creek into the Inglis River which has resulted in an accumulation of fine sediment in the shallow basins. The works proposed will slightly increase the velocities in the lower section of the river with a slight increase in conveyance.
- There will be only a minor effect on flood levels with the flood waters remaining in the channel.
- The recommended floor level for the building is 3.31m.

In terms of public access, the proposal includes the upgrade of the boat ramp, the formalisation of a carparking area that is currently used as an overflow parking area, the demolition of the existing yacht club with the development of the proposed yacht club and cafe. The landscaping plan and the car parking layout still allow for public access along the foreshore of Camp Creek, improved access in the form of an upgraded boat ramp and no change to access to the Inglis River. The proposal will contribute

to the viability of the area and improve the services for the existing water based activities.

The proposal is considered to meet the requirements of P1.

E10.6.2 Development in a shoreline area

A1 There is no acceptable solution	P1 Development must – <ul style="list-style-type: none">(a) be required to locate in, over, on or under the shoreline, sea or tidal waters for operational efficiency;(b) avoid unreasonably or unnecessarily impact on existing or potential access by the public to shoreline land or waters;(c) minimise impact on scenic quality of the sea-shore area;(d) minimise impact on amenity or aesthetic appearance of the sea-shore area as a result of –<ul style="list-style-type: none">(i) nature and operational characteristics of the development;(ii) location;(iii) bulk, size, and overall built form of any building or work;(iv) overshadowing; or(v) obstruction of views from a public place; and(e) minimise immediate or cumulative adverse effect for –<ul style="list-style-type: none">(i) tidal, wave, current, or sediment movement processes;(ii) coastal landforms, seabed, and other geomorphic features, including sand dunes and mobile landforms;(iii) vulnerability to erosion and recession;(iv) natural cycles of deposition and erosion;(v) conservation of biodiversity and marine habitat, including during critical lifecycle stages of individual and migratory species;(vi) drainage from a water course, wetland, ground water, flood, stormwater, or tidal water;(vii) coastal water quality;(viii) likely interference or constraint on use of public areas;(ix) any scientific, architectural, aesthetic, historic or special cultural value;(x) exposure to or increased risk from a natural hazard, including sea level rise, storm surge, or inundation as a result of climate change;(xi) coastal protection and rehabilitation works required to address erosion, instability, regression, or inundation;(xii) collection, treatment, and disposal of waste, including bilge waters and excavated or dredged sediment;(xiii) economic activity dependent for operational efficiency on a sea-shore location;
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	(xiv) public safety and emergency services; (xv) marine navigation and communication systems; (xvi) safety of recreational boating; and (xvii) be consistent with the current edition of Tasmanian Coastal Works Manual DPIPWE 2011
<p>Planning Comment:</p> <p>The application included a detailed report and response the Water and Waterways Code that is summarised as follows:</p> <ul style="list-style-type: none"> • The hydraulic modelling showed negligible change in shear stress, velocity and hence sediment transport condition in the Inglis River as a result of the proposed reclamation. • The proposal does not include any changes to the coastal waters or alteration of the shoreline except for the launching ramp which will be refurbished but does not alter the form of the shoreline or impact on coastal processes. • The Camp Creek entrance downstream of the weir and the adjacent upstream bank of the Inglis River are protected from erosion and recession by vertical seawalls. The downstream bank of the Inglis River is also armoured in sections with rock which limits future erosion and recession. The proposed redevelopment does not include changes to these areas. • No changes to the natural deposition or erosion patterns within the Inglis River are anticipated apart from those noted above. • No adverse impacts immediate or cumulative are expected in regards to biodiversity and marine habitat. • There are no changes to the ability of Camp Creek to discharge into the Inglis River. • No change to the coastal water quality is expected. • The finished floor level is set at 3.31m with the no risk of inundation of the building or new car park as a result of the 1% AEP. • No additional coastal protection nor rehabilitation work are required as part of the proposed redevelopment. <p>The proposed building has been architecturally designed, is located in an area that has been significantly disturbed including modifications to Camp Creek with several buildings visible from the site including the nearby residential dwellings and the Waterfront Wynyard Motel. The removal of the existing yacht club which has minimal design merit and is located closer to Camp Creek then the building proposed will be removed as part of the development. Furthermore, the proposed building is well below the dominant trees near to the site, which will act as a backdrop to the building when viewed from the water, with the proposal including a detailed landscape plan with planting on the eastern façade and around the perimeter of the site (generally Camp Creek and both frontages to Old Bass Highway). The proposed building will use non-reflective building materials, dark tones and includes articulated roofline with minimal large stretches of blank walls.</p> <p>The proposal is consistent with P2.</p>	

STATUTORY IMPLICATIONS

Land Use Planning and Approvals Act 1993

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

In accordance with section 57 of this Act and Council's Planning Scheme, this proposal is an application for a discretionary permit. Council may approve or refuse discretionary permit applications after considering both Council's Planning Scheme and any public representations received. It is noted that five (5) representations were received during the exhibition period.

STRATEGIC IMPLICATIONS

There are no significant strategic implications identified.

POLICY IMPLICATIONS

The recommendation is in line with the adopted Open Space, Sport and Recreation Plan.

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

With the Council acting as a Planning Authority there is limited risk, 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.

The *Land Use Planning and Approvals Act 1993* provides for penalties against a Planning Authority that fails to enforce its planning scheme (ss. 63a & 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.

The application is a Yacht club redevelopment including café and site works. The application is generally considered to meet the relevant standards of the *Waratah-Wynyard Interim Planning Scheme 2013* subject to conditions.

The application is considered to comply with the Open Space Zone and the Environmental Management Zone and all other applicable codes of the *Waratah-Wynyard Interim Planning Scheme 2013*. It is therefore recommended that Council approve a planning permit for the proposed development.



Clare Hester
Consultant Town Planner

Date 9 February 2018



Ashley Thornton
Acting Manager Development and Regulatory
Services

Date 9 February 2018

PID 7077609

MOVED BY	CR BRADLEY
SECONDED BY	CR WRIGHT

That Council, pursuant to the provisions of the *Waratah-Wynyard Interim Planning Scheme 2013* (Planning Scheme), and in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve the Yacht Club Redevelopment including café, boundary adjustment and Site Works at 2A Old Bass Highway Wynyard subject to the following conditions:-

PART A CONDITIONS:

- (1) The development is to be generally in accordance with the application as submitted and endorsed documents as listed:
 - m) Proposal plans with Page Numbers Ap01B, Ap02, Ap03, Ap04, as prepared by 6ty⁰ and dated 27 November 2017.
 - n) Proposed Landscaping Plan prepared by LANGE design.
 - o) Concept servicing plan prepared as prepared by 6ty⁰ and dated 27 November 2017.
 - p) Planning Submission Report as prepared 6ty⁰ and dated 5 December 2017.
 - q) Camp Creek Hydraulic Model Reports and Addendum, dated February 2016 and 5 December 2017 prepared by Water Technology.
 - r) Traffic Impact Statement dated November 2017.
- (2) The minimum floor level of the building must be 3.31AHD.
- (3) Off street car parking and hardstand areas are to be surfaced in an all-weather material such as concrete, asphalt or bitumen spray seal.

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- (4) The internal road is to be compacted crushed rock pavement, designed in accordance with Austroads Pavement Design Guidelines, with a minimum total pavement thickness of 300mm plus a 40mm asphalt seal, concrete kerb and channel to the reasonable requirements of the Director Infrastructure and Development Services.**
 - (5) 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 1 in 20 year ARI storm and discharged to a legal point of discharge to the reasonable requirements of the Director Infrastructure and Development Services.**
 - (6) An oil interceptor pit is to be constructed to any outfall discharge into Camp Creek and Inglis River.**
 - (7) A court bowl of radius 9.0 metres and otherwise in accordance with Tasmanian Standard Drawing TSD-R07-v1, Urban Roads Cul-De-Sac Turning Heads 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.**
 - (8) Before a building permit may be issued for the development, the applicant is to submit the Director Infrastructure and Development Services amended plans for a carparking and driveway layout that comply with AS 2890.1. The amended plans will become endorsed plans of this permit at such time as they meet the reasonable requirements of the Director Infrastructure and Development Services and has been approved.**
 - (9) A minimum of 6m wide road access suitable for two-way traffic is to be constructed with a sealed surface between the edge of the bitumen sealed pavement of Yacht Club Access Road and the property.**
 - (10) Loading and un-loading of vehicles is to be confined to within the boundaries of the property.**
 - (11) Off-street parking accommodation is to be provided for a minimum of 33 Car park spaces and 13 car and trailer spaces. 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 and Development Services.**
 - (12) 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.**

(13) Before site disturbance or construction commences an environmental management plan is to be prepared and submitted for approval by the Director Infrastructure and Development Services, the plan is to outline proposed practices in relation to:

- 1. Temporary run-off and erosion controls, which are to be installed before the development commences. Controls are to include, but are not limited to:**
- 2. Minimisation of site disturbance and vegetation removal;**
- 3. Diversion of up-slope run-off around cleared and/or disturbed areas, areas to be cleared and/or disturbed or filled providing such diverted run-off does not cause erosion and is directed to a legal discharge point;**
- 4. Installation of sediment retention traps (e.g. sediment fences, etc.) at the down slope perimeter of a disturbed area or stockpile to prevent unwanted sediment and other debris escaping from the land;**
- 5. Rehabilitation of all disturbed areas as soon as possible.**
- 6. Weed management**
- 7. Storage facilities for fuels, oils, greases, chemicals and the like**
- 8. Litter management**
- 9. Erosion control measures are to be maintained at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development.**

(14) Before site disturbance or construction commences, a plan of management is to be prepared and submitted for approval by the Director Infrastructure and Development Services. The plan is to provide relevant project management information and outline proposed construction practices, including, but not limited to:

- 1. Contact details for principal, consultants and contractors including afterhours 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.**

(15) Vehicular access to and egress from the site is to occur only in a forward motion.

(16) The food premises is only to be open for the permitted use between the following hours:

- 7a.m. to 11 p.m. 7 days a week.**

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- (17) Alterations to the existing weir across Camp Creek are to be limited to reducing the nib wall from AHD 1.04m to 0.9m with no disturbance to the concrete apron below.
- (18) A walk-over survey of Threatened Flora and Fauna in accordance with DPIPWE's 'Guidelines for natural Values Surveys' is to be undertaken by a suitably qualified person in the immediate area affected by the works prior to the commencement of any works. Should any listed species be identified, consultation with the relevant branch of DPIPWE must be undertaken in order to establish the possible impacts or mitigation measures required.
- (19) Testing of creek sediment within the project area for potential contaminants or acid sulphate soils is to be undertaken by a suitably qualified person prior to any excavation. Should any contaminants or acid sulphate soils be identified, consultation with the relevant branch of DPIPWE must be undertaken in order to establish the possible impacts or mitigation measures required prior to any further works being undertaken.
- (20) All works involving disturbance of creek sediment are to be scheduled to occur outside of major fish migration periods within the creek.
- (21) Erosion and sediment control measures that meet the reasonable requirements of the Manager of Engineering and Projects 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.
- (22) A Final Survey Plan is to be submitted to Council for sealing. The plan is to be drawn to scale and prepared in accordance with the requirements of the Recorder of Titles and will form part of this Permit when sealed. The Final Survey Plan is to be substantially the same as the endorsed plan.
- (23) 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 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 2017/01938-WWC.

Notes: -

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

- This project must be substantially commenced within two years of the issue of this permit.
- A “Works within the Road Reservation” permit must be obtained from Council for all activity within the Road Reservation.
- The applicant is advised to consult with a building surveyor to ensure the development is constructed in accordance with *Building Act 2016*.
- 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*.
- This permit is based on information and particulars set out in Development Applications 153/2017. Any variation requires an application for further planning approval of Council.
- Attention is drawn to existing or proposed electricity infrastructure, please be sure to contact Aurora Energy on 1300 132 003 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.
- For any access or works within Crown Land, please contact Crown Land Services prior to commencement.
- Under Section 61 (4) of the *Land Use Planning and Approvals Act 1993*, the applicant has the right to lodge an appeal against Council’s decision. Notice of appeal should be lodged on the prescribed form together with the required fee within fourteen days after the date on which notice of the decision was served on that person, to the Resource Management and Planning Appeal Tribunal, GPO Box 2036, Hobart, 7001.

The MOTION was put and was CARRIED unanimously

IN FAVOUR

	CR BRADLEY	CR BRAMICH	CR DUNIAM
CR FAIRBROTHER	CR FRIEDERSDORFF	CR HYLAND	CR WRIGHT

THE PLANNING AUTHORITY CLOSED AT 7.27PM

The Acting Manager Development and Regulatory Services left the meeting at 7.27pm.

8.0 MATTERS RAISED BY COUNCILLORS

Legislative Reference:

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

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

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

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

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

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

8.1.1 CR HYLAND – Raw Sewage Calder Road

Cr Hyland asked if anyone was aware that there was a raw sewage problem at the top end of Calder Road.

The Acting General Manager advised the matter is currently being investigated by Council Officers.

The Director Infrastructure and Development Services advised that Council officers have conducted tests to determine if run off was sewage or not. The first test was inconclusive and they are awaiting results of a second test which has been undertaken.

January Update - The Director Infrastructure and Development Services advised that incorrect property information had been provided for the above response and he had only been advised the agenda had been issued. He advised that a further update would be provided

February Update - The Director Infrastructure and Development Services advised that the correct property is now being investigated. It has been alleged that the onsite waste water system is undersized and prone to overflow and Council officers are checking the capacity of the current system to determine what, if any, action needs to be taken.

8.1.2 Cr Bradley – Thistle Hut Request for Public Toilet Sign

Cr Bradley advised that the owners of the Thistle Hut Café at Boat Harbour have asked that Council provide signage that states where public toilets are available and that shop does not have public toilets.

The Director of Infrastructure and Development Services advised the matter could be investigated and Council could ask Department of State Growth for what possible signs they could supply on highway.

The Director of Infrastructure and Development Services advised that following an investigation of existing signage it is evident that some is already provided (see below google street view images of existing signage) - Council officers have requested DSG to relocate the eastern most sign and amend the distance indication to the junction so that motorists sight this before the location of the Thistle Hut."

Cr Bradley asked if response had been received regarding timeframe to move signs.

The Director Infrastructure and Development Services advised that he has been advised that a simple matter and that he would provide an update on time frames when the responsible person at State Growth returns from leave.

Eastbound approach to Port Rd



Westbound approach to Port Rd



8.2 COUNCILLOR QUESTIONS RECEIVED IN WRITING

Nil

8.3 COUNCILLOR QUESTIONS WITHOUT NOTICE

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

8.3.1 CR WRIGHT – QUESTION TO CR HYLAND

Cr Wright asked Cr Hyland if his recently expressed view (when discussing the VOS Subdivision matter before the Planning Authority) "that the landowner should be able to determine what they do with their land" applies to the VOS land or to landowners in general.

Cr Hyland noted that he was referring to the use of a particular block listed in relevant report regarding the VOS Development and that he was referring to that matter specifically.

8.3.2 CR WRIGHT – SUBDIVISION NOTICE

Cr Wright asked that the Planners confirm that they had stated to the owner of a property at Inglisdale Road that if he received no objections to a sub-division application the sub-division would be approved. Cr Wright referred to a letter which he had circulated earlier in the day via email to Councillors and Management

The Director of Infrastructure & Development Services took the question on notice.

9.0 NOTICES OF MOTION

Legislative Reference:

Local Government (Meeting Procedures) Regulations 2015; Regulation 16

(5) *A councillor may give written notice of a motion, together with supporting information and reasons, to be included on the agenda of the next meeting to the general manager at least 7 days before the meeting.*

(6) *The general manager, after consultation with the chairperson, may refuse to accept a written motion that, in their opinion –*

(a) *is defamatory; or*

(b) *contains offensive language; or*

(c) *is unlawful.*

(7) *A councillor who has given notice of a motion that has not been refused under sub regulation (6) is to move the motion at the meeting, otherwise it lapses.*

9.1 CR WRIGHT - PROHIBITING CAMPING ON THE CROWN RESERVE AT BOAT HARBOUR

MOTION

That the Council prohibits camping on the Crown Reserve at Boat Harbour, erect signs prohibiting camping and take the necessary steps to enforce the prohibition.

SUPPORTING INFORMATION / REASONS

1. Council holds a license over the Crown Reserve at Boat Harbour, effectively placing it in control and management of that land.
2. The land has been set aside as a public reserve which is defined in Schedule Five (5) of the Crown Lands Act 1976.
3. Camping is inconsistent with conserving the values of the area and the land for public recreation as a public reserve,
4. Based on the provisions of the Crown Lands Act and the licence held by Council, unless Council restrict the use of the land for use as a public reserve, the licence itself or the conduct of Council may be regarded as unlawful. The licence can only be granted if the Minister was satisfied, given there is no management plan for the area, the land was to be used consistently with the purpose which it had been reserved. Unless the Council prohibit the use of the land for camping to allow it to continue is unlawful.
5. Council has a duty to ensure the land is used as a public reserve for public recreation and not camping,
6. It is therefore submitted the prohibition needs to be put in place as a matter of priority,

OFFICERS COMMENT

The issue of freedom camping has been an ongoing matter of discussion for the Waratah-Wynyard Council over a number of years. Complaints are received on a regular basis requesting Council address the camping at Boat Harbour Beach.

There are contrasting views within the community of Boat Harbour in relation to camping on the foreshore and there is a very long history of accepted use. Any change would need to be communicated effectively. Consideration also needs to be given to the point that a change at Boat Harbour may have an impact on other popular camping locations including Sisters Beach and the Wynyard Showground and the possible impact on the tourism reputation of Boat Harbour.

In December 2012 Council determined to erect recreational signage at Boat Harbour Beach and Sisters Beach to manage the use of overnight camping and recreational activity. Subsequent to this decision, Council determined to instead focus on development of a By-Law to allow a mechanism to regulate or manage issues it aims to address and rather than erect signage, wait until the Boat Harbour Beach development Plan was completed. As a result, the Highway, Public Reserves, Parking Areas and Stormwater By-Law was gazetted in August 2016. Clause 29 of this by-law states *“A person must not in a public reserve camp or station and occupy a caravan, motorhome or other motor vehicle except in accordance with signage erected in that public reserve or part of a public reserve”*. A decision regarding signage and application of this by-law has not been made.

At a workshop of Council on 29 January 2018, it was indicated by the Elected Members that Council’s preference was to develop its position on the matter across the entire municipal area, including the appropriate consultation, with a commitment to have appropriate signage, rules and enforcement procedures in place in preparation for the high tourist period next summer

The Local Government Association of Tasmania (LGAT) have advised that at the last PLGC Meeting of 2017, the issue of free/RV camping was discussed and it was agreed that a working group would be established to consider the range of issues and identify a way of dealing with ongoing uncertainty about the application of National Competition Policy principles to council-provided camping/RV facilities. The Local Government Division are progressing this and anticipate the working group/reference group will be Chaired by DPAC and comprise membership from Treasury, Tourism (State Growth), LGAT (including two council representatives) and industry (RV campers and caravan park operator sides). The Scope and Terms of Reference are under development with an aim for the first meeting of the group to be held in March/April. It is also recommended that Council continue to work closely with the LGAT working group on state wide issues.

MOVED BY	CR WRIGHT
SECONDED BY	CR BRADLEY

That the Council prohibits camping on the Crown Reserve at Boat Harbour, erect signs prohibiting camping and take the necessary steps to enforce the prohibition

The MOTION was put and was LOST

IN FAVOUR

	CR BRADLEY		
			CR WRIGHT

AGAINST

		CR BRAMICH	CR DUNIAM
CR FAIRBROTHER	CR FRIEDERSDORFF	CR HYLAND	

10.0 REPORTS OF OFFICERS AND COMMITTEES

10.1 PROPOSED EAST WYNYARD FORESHORE MASTERPLAN

To:	Council
Reporting Officer:	Director Infrastructure & Development Services
Responsible Manager:	Director Infrastructure & Development Services
Report Date:	13 February 2018
File Reference:	
Enclosures:	REFER ATTACHMENT C 1. Draft East Wynyard foreshore masterplan 2. Quantity Surveyors Estimate for masterplan works 3. East Wynyard Foreshore Landscaping options paper

PURPOSE

To seek Council endorsement of a draft Masterplan for the East Wynyard Foreshore and specifically the implementation of landscaping and playground replacement as part of the 2018/19 budget considerations.

BACKGROUND

Council adopted the Open Space Sport and Recreation plan 2017-2027 at its June 2017 meeting. One of the key recommendations (No. 124, pg. 41) of this plan is to: -

Consider consolidating the number of sites with play equipment, providing strategic hubs along the coast, central to the town in the west, and to the north, that can provide social/family recreation spaces for the Wynyard Community in the long-term.

The two local playground sites at the East Wynyard Foreshore are now at the end of their useful lives and require removal. In close proximity (within 500m) on Council owned property at 25 Lockett Street and 9 Martin Street Council also has sites with local level playground equipment.



East Wynyard – current local playground sites circled in red

This presents Council with an opportunity to act upon the recommendation and consider rationalisation to a single site and higher quality, district level playground.

Another current concern is the state of the 5 remaining Cyprus Macrocarpa trees. Council has budgeted \$25,000 in 2017/18 for their removal due to age and risk posed to the public. There is a reasonable expectation from the public that appropriate landscaping would be implemented to replace these recognisable trees.

A key use of the East Wynyard foreshore over the past decade has been the market. The market currently operates on the first and third Sunday of every month and regularly consumes all available parking in the area during use. Similarly there have been concerns raised by path users that market shoppers tend to be focussed upon market stall and there is potential for clash with through pedestrians and or bike riders (this section of pathway is on the Coastal pathway route).

Council has also received request for lighting of the pathway through the East Wynyard foreshore reserve and possible night market use.

To distil all of the above into a meaningful forward looking vision for the East Wynyard Foreshore, GHD Woodhead were engaged to draft a masterplan document (attached).

As part of this engagement they have also suggested potential relocation of the Wynyard Skate park from its current CBD location with low visibility and no access to toilets or other amenity to the East Wynyard foreshore where public toilet provision could serve a district level playground and skate park.

DETAILS

A Quantity surveyors estimate has been provided with the draft East Wynyard Foreshore master plan to give indicative estimates of various elements.

The removal of the Cyprus Macrocarpa trees has already been budgeted in 2017/18 at \$25,000 (Quantity surveyor estimate of \$28,980).

New landscaping has been estimated at \$30,000 by the quantity surveyor though a lesser cost may be achievable depending upon the details determined (tree species, maturity of planted trees, number of trees). A budget item for Council consideration for 2018/19 will be presented.

In terms of the playground replacements and following recommendation 124 from the Open Space Sport and Recreation plan an estimate of \$500,000 capital expenditure is given. In order to assess the impact of annual cost to Council in doing so, the current combined life cycle cost in providing the 4 local level playgrounds is: -

Annual Depreciation:	\$20,666 (based upon future replacement cost of \$310,000 and asset life of 15 years)
Annual Operations & Maintenance:	\$7,000
Total annual life cycle cost:	\$27,666

Based upon the Quantity surveyors estimate of \$500,000 to build a district level playground and a 15 year asset life the forecast life cycle costs become: -

Annual Depreciation:	\$33,333
Annual Operations & maintenance:	\$11,500
Total predicted annual life cycle cost:	\$44,833

Net increase to annual life cycle cost of: **\$17,167**

Net deficit in cash generated by depreciation for replacement of local playgrounds when compared to cost of providing a single district level playground: \$500,000 - \$310,000 = **\$190,000**

It should be noted that Council could consider the option of disposing part of or all of retained land at 9 Martin Street and 25 Lockett Street in order to generate cash to cover the capital deficit of \$190,000 and the annual life cycle cost increase of \$17,167. In order to accurately provide advice on this option a third party land valuer assessment would need to be undertaken.

All other items, particularly the potential changes to car parking and path provision associated with the market use carry considerable cost implications (total estimated cost of draft masterplan nominally \$3.1 million) and should be the subject of future cost benefit deliberations by Council rather than committing to implementation now.

By understanding the potential of implementation of parking changes and path changes in the future the current needs of playground replacement and landscaping replacement can be met without sacrificing future opportunities.

STATUTORY IMPLICATIONS

Statutory Requirements

Council has a common law duty of care for all users within the East Wynyard Foreshore reserve.

STRATEGIC IMPLICATIONS

The enclosed Masterplan further implements the objectives of the previously adopted Open Space Sport and Recreation Plan 2017-2027.

Strategic Plan Reference

GOAL 1: Leadership and Governance	
Desired Outcomes	
We make publicly transparent decisions on spending and future directions while encouraging community feedback.	
We maintain and manage our assets sustainably	
Our Priorities	
1.6	Maintain accountability by ensuring Council decisions are evidence based and meet all legislative obligations.

GOAL 4: Community Recreation and Wellbeing	
Desired Outcomes	
We provide recreational opportunities to the community for all ages and abilities	
Our Community enjoys access to visually appealing safe spaces and facilities for recreation.	
Our Priorities	
4.1	Commit to ongoing recreation and open space planning to ensure evidence-based decisions are made about the role of Council and its partners in recreation.
4.4	Provide and maintain quality safe places for physical, social and cultural activities, including shared and multi-use facilities where possible.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Tourism	<i>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.</i>

Community Future Direction Theme	Key Challenges & Opportunities:
Strong communities and social capital	<i>Enduring community capital – Growing, proud, self-reliant communities that are inclusive and engaged with volunteers and shared facilities.</i>
Natural resource management	<i>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.</i>
Health and Wellbeing	<i>Maintaining good health and wellbeing – Healthy communities, people taking responsibility for their wellness, convenient access to medical services and facilities.</i>
Place making and liveability	<i>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.</i>

POLICY IMPLICATIONS

Council's Asset Management Policy is relevant in this instance in that the future life cycle costs generated from asset investment should be considered as part of decision making.

FINANCIAL IMPLICATIONS

Committing to rationalisation of local playground sites in order to provide a district level playground site would marginally increase Council's life cycle cost for playground provision by about \$17,167 per year.

RISK IMPLICATIONS

The existing local playgrounds (2) at the East Wynyard Foreshore have been maintained and had their life extended to the point where further maintenance efforts will be futile; they must be removed or replaced in order to meet our duty of care requirements to the users of the reserve hence the recommendation for 2018/19 budget consideration. Similarly the risk posed by the current Cyprus Macrocarpa trees must be addressed and has been budgeted and scheduled for 2017/18.

The other matters raised around the current market use carry lower risk implications and as such are a matter for Council to weigh up cost and benefit in consultation with users and the broader community before making commitment to implement.

CONSULTATION PROCESS

While the broader principles of the Open Space and Recreation plan 2017-27 have been widely consulted within the community the draft East Wynyard Foreshore masterplan has not.

Designs prior to implementing a new district level playground would need to subject to community consultation as with rationalisation of the four local level playgrounds, two currently on the Foreshore reserve and those at 25 Lockett Street and 9 Martin Street.

Other elements of the East Wynyard Foreshore masterplan including parking changes and potential relocation of skate park can be subject to future consultation without commitment to proceed at this stage.

COMMENT

It is therefore recommended that the Council:

1. Adopt the Draft East Wynyard Foreshore masterplan
2. Consider implementation of the proposed playground and landscaping elements for the 2018/19 budget.
3. Consider rationalising the existing 4 local playground sites, 2 at the East Wynyard Foreshore, 1 at 9 Martin Street and 1 at 25 Lockett Street in order to fund the proposed district level playground.
4. Remain flexible in the implementation of the East Wynyard Foreshore masterplan as it assesses cost and benefits in consultation with the community and users into the future

MOVED BY	CR BRAMICH
SECONDED BY	CR FRIEDERSDORFF

That Council:

1. **Adopt the Draft East Wynyard Foreshore masterplan;**
2. **Consider implementation of the proposed playground and landscaping elements for the 2018/19 budget;**
3. **Consider rationalising the existing 4 local playground sites, 2 at the East Wynyard Foreshore, 1 at 9 Martin Street and 1 at 25 Lockett Street in order to fund the proposed district level playground; and**

-
-
- 4. Remain flexible in the implementation of the East Wynyard Foreshore masterplan as it assesses cost and benefits in consultation with the community and users into the future**

The MOTION was put and was CARRIED unanimously

IN FAVOUR

	CR BRADLEY	CR BRAMICH	CR DUNIAM
CR FAIRBROTHER	CR FRIEDERSDORFF	CR HYLAND	CR WRIGHT

10.2 ANZAC PARK CONCEPT PLAN

To:	Council
Reporting Officer:	General Manager
Responsible Manager:	General Manager
Report Date:	19 February 2018
File Reference:	
Enclosures:	REFER ATTACHMENT D ANZAC Park Concept Plan

PURPOSE

For Council to progress planning and discussion on the establishment of an all ability playground at Anzac Park, Somerset.

BACKGROUND

Council has considered the establishment of an all ability playground at Anzac Park for a number of years. Prior to the adoption and completion of the Open Space, Sport and Recreation Plan (OSSR), Council resolved at its February 2015 meeting:

That Council:

- 1) provides its in-principle support for the provision of a playground(s) in the Municipal Area incorporating all ability design features, and*
- 2) Commits to the identification of a suitable site(s) as part of the development of the Waratah-Wynyard Open Space and Recreation Plan.*

Within the OSSR Plan, the following recommendations were endorsed:

- Recommendation 133 – develop Anzac park as a higher quality unique multi-aged, accessible play space with high play value*
- Recommendation 134 – consider rationalising the two small play spaces at Ronald and Oonah Crescent, and replacing these with one high quality play space to serve the south area of Somerset*

A concept plan for Anzac Park has been developed and is attached for information. This report recommends the establishment of a reference group to progress detailed planning, which will form part of the consultation process. The group will develop a plan in line with a project brief provided by Council that can then be fully costed and staged.

Anzac Park is currently considered to be a district open space, adjoining the Cam River and foreshore reserve which are classified as Regional open spaces. Should Anzac Park be developed as a destination play space it would form part of a broader regional level open space and consideration should be given to developing both in concert with each other.

DETAILS

The Open Space, Sport and Recreation Plan best summarises the need for development of social/family recreations spaces. The plan states:

The provision of an equitable distribution of play spaces has been a key plank in municipal open space provision and residential subdivision since the 1960s.

However, these tend to be small and single- purpose, i.e. focusing on the needs of just young children, and simple items of equipment. Today public play spaces are of increasing importance because of changing lifestyles, shrinking private space and the increased awareness of the value of play to childhood development, and for all children. However, “playgrounds” typically don't meet the needs of all families or the increasing proportion of people caring for grandchildren as well as people of all ages and abilities.

Playgrounds are expensive to maintain because of risk management, and typically they tend to have low play value if they are primarily several items of play equipment.

People of all ages, abilities and cultural backgrounds need to play, and local parks should be designed to include everyone.

This plan promotes the concept of providing social/family recreation spaces instead of single- purpose play spaces. These will include social, physical and environmental features designed for the whole family to play not just young children. These will typically include some play equipment elements, grass area for kick and throw/games, a path network, tables and seats, social or practice sport facilities such as a hard court or hit-up wall, cricket nets, etc. and natural elements, landscape features and canopy trees.

This plan recommends the consolidation of smaller playground equipment areas to more sustainable social/ family recreation areas catering to people of all ages and abilities. It does not propose separate specialised facilities for people with a disability, but assumes that all local facilities can be designed to welcome people using mobility devices and prams for example.

By providing a central social space where everyone can access, see and interact with playmates, siblings, family members or carers, and engage in activity that may be table, path, nature or interactive equipment-based, everyone can be included in play without specialised equipment provision.

District facilities will have higher levels of inclusiveness and way-finding than a local space. If provided, a regional-level play space that can serve the whole Council area and beyond would include play equipment and support facilities for people who have high support needs.

In future, residential subdivision design should not provide pocket play parks, but larger more central and prominent sites to serve larger areas. Some existing play spaces in townships could be consolidated into more strategic social /family recreation parks that are more attractive to a wider community.

Some additional areas of Wynyard and Smithton may need to be serviced if and when further residential development occurs – for example along the coast east of Wynyard, north of the Inglis River and to the east or west of Smithton. In villages, any growth should encourage the development of one sporting and community facility hub with a social/ family recreation facility, rather than multiple smaller parks.

A higher standard of landscape design, more natural elements and loose materials are required in play spaces and local parks to enhance play value, likely use and well as amenity value. These will provide better a return on investment and greater social, economic and environmental benefits.

Is a regional or destination play space something that Council can afford?

A destination, or regional play space will require significant levels of development including support facilities as well as a high standard of maintenance and servicing, which the Councils cannot currently afford.

At this point, it may be a higher priority to develop a selection of good quality and accessible play spaces suitable for the whole family, and where necessary consolidate small, and less prominent sites. These will cost less to manage and will be more accessible to more people without having to travel.

One of the attractions of the proposed location for a playground is the close proximity to the proposed Coastal Pathway which will enable families to have a destination along this path.

Council received correspondence from The Fairy Godmothers in June 2014 requesting that Council consider the development of an all ability playground at Anzac Park in Somerset. Numerous meetings and discussions have been held with the group since. The Fairy Godmothers are seeking a 'destination play space' be constructed.

What is a destination play space and who will it attract?

Destination “accessible” play spaces are generally designed to offer the largest range of activities and amenities, in a custom-designed setting, for people of all ages and abilities. Typically, only one such space would be provided per municipality or even a group of municipalities. Such as play space will need to be designed with sufficient amenities to accommodate large numbers of people at a time and groups. Car parking, a seamless hierarchy of paths, accessible toilets, built shade, BBQ’s, drinking water, a choice of seats and probably more than one shelter will be required. Play areas need to cater for all age groups.

They generally provide high quality facilities, unique and designed specifically for this space. They will provide sufficient interest and a degree of accessibility and inclusiveness to attract visitors for longer duration stays. They will likely will attract visitors from across a region and probably residents within an hours’ drive for specific occasions. Support facilities need to accommodate a length of stay of several hours– with toilets, shelters and picnic facilities etc. These will function as a destination or focal point for social /family recreation, possibly with other specialist role/s for example for day centres with older people or specialist schools.

What type of site would be appropriate?

These play spaces are typically on larger parcels of open space, on a prominent site or one with landscape, cultural or environmental attractions with wider significance. They are likely to vary because of unique qualities of the site.

Seamless accessibility to the site and from car parking, into and around the site, and to all facilities is required. Picnic facilities and toilets must be fully accessible. Most play activities should be accessible to children and adults with disabilities. Seamless access to more challenging activities, and to a choice of settings including natural areas is expected.

The size of the play space itself may vary, but is unlikely to be smaller than 7000m² plus peripheral facilities such as parking and accessible toilets, for people with high support needs.

What will it include?

The play space needs to be unique, reflecting the character of the site. The ‘package’ of attractions is an important feature. Play spaces need to provide a good range of physical, creative and imaginative play settings for all children and their families. Materials and style typically reflect the character of the setting. The space should not simply be a large collection of off-the shelf products. These play spaces will generally include more specialised equipment such as: elements modified for people with a disability, more expensive feature equipment, or water play for example. These may also have a higher standard of landscape amenity and feature planting. These types of spaces may be suitable for a wheelchair

swing if considered appropriate. These are sometimes donated by Charity. Play value and inclusion should be central to the choice of features. It is recommended that a landscape architect specialising in designing for children design such as space.

How would you go about a developing a destination play space?

The development of such as space may cost half a million dollars and need a major champion to get it going. Fundraising and developing partnerships with other groups will be necessary. Then it will be necessary to select a landscape architect to assist selecting the siting and prepare the concept.

A major communication exercise will be required to identify major stakeholders, establish a steering committee, circulate and discuss landscape concept plans with residents and groups within the catchment, erect sign in the park showing concept plan, involve local Councillors, develop and post information on Council's website, handle ongoing enquiries and organise media.

Is a destination play spaces something that Council can afford?

A destination play space will require very frequent management inspections, minimum weekly, and possibly daily in busy times. Due to the use and attraction of these sites a higher degree of wear and tear will be expected than for other recreation sites.

Council will to need to find resources to respond within 24 hours to safety concerns, breakages, vandalism, graffiti etc, and large amounts of rubbish that they can generate. Provision for considerable car and bus parking may be required and traffic management. All furniture and landscaping will require durable materials and regular maintenance. The resources required to manage such as space are likely to be equivalent to at least one full time person, plus costs.

A destination play space will provide considerable value to the community and visitors. However, it can also be argued that it may be better and a higher priority to consolidate and develop a selection of good quality and accessible play spaces suitable for the whole family across the Council area. This will cost less to manage and will be more accessible to more people without having to travel..."

Anecdotally, there is a view that Somerset is currently adequately accommodated for playgrounds and is actually over-served in several areas. The playgrounds at Anzac Park and the Cam River reserve currently duplicate each other and should be consolidated into the one playground. Any decision to rationalise existing playgrounds will be the subject of a future report should Council proceed with the development of the all abilities playground in Anzac Park.

The reference group should be lead by Council and is recommended to include representatives from The Fairy Godmothers, Somerset Surf Life Saving Club, Somerset Rotary Club, RSL and interested community members.

STATUTORY IMPLICATIONS

Statutory Requirements

No specific statutory requirements relate to this report. Should Council to determine to dispose of any public land at a later date, this would need to be conducted in accordance with relevant legislative requirements.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 1: Leadership and Governance	
Desired Outcomes	
We make publicly transparent decisions on spending and future directions while encouraging community feedback.	
We maintain and manage our assets sustainably	
Our Priorities	
1.6	Maintain accountability by ensuring Council decisions are evidence based and meet all legislative obligations.

GOAL 4: Community Recreation and Wellbeing	
Desired Outcomes	
We provide recreational opportunities to the community for all ages and abilities	
Our Community enjoys access to visually appealing safe spaces and facilities for recreation.	
Our Priorities	
4.1	Commit to ongoing recreation and open space planning to ensure evidence-based decisions are made about the role of Council and its partners in recreation.
4.4	Provide and maintain quality safe places for physical, social and cultural activities, including shared and multi-use facilities where possible.

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.

Community Future Direction Theme	Key Challenges & Opportunities:
Health and Wellbeing	<i>Maintaining good health and wellbeing – Healthy communities, people taking responsibility for their wellness, convenient access to medical services and facilities.</i>
Place making and liveability	<i>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.</i>

POLICY IMPLICATIONS

The recommendation is in line with the adopted Open Space, Sport and Recreation Plan.

FINANCIAL IMPLICATIONS

The financial implications of establishment of a new all abilities playground depends on the nature and scope of the site. As mentioned previously the project could be staged. Partnering with an organisation such as The Fairy Godmothers will provide additional financial support to the project, through their proven fundraising abilities. The project will also be likely to attract grant funding.

Consolidation of smaller playgrounds will mitigate any increase to maintenance and depreciations costs. A reduction to life cycle cost with removal of existing playground equipment at Anzac Park, Cam River Reserve and Oonah Crescent will save approximately \$23,000 per annum.

The additional life cycle cost created by the development of the destination playground based upon \$500,000 capital outlay and a consistent 15 year life, would be approximately \$33,000 per annum in depreciation and annual maintenance of approximately \$11,500 – a total of \$44,500 per annum. This represents an increase to Council's operations of approximately \$22,000 per year.

The end of the asset lives for the playgrounds listed for removal needs to be considered as part of this process. Both Oonah Crescent and the Anzac Park equipment adjacent to the Surf Club have fully depreciated, with the Cam River equipment fully depreciating in 2020. The Anzac Park equipment adjacent to the BBQ shelter does not fully depreciate until 2026, and so if replaced will incur a loss on disposal.

A full detailed financial report will be provided following completion of detailed design and presented to Council for determination.

RISK IMPLICATIONS

There are risks that the community may wish for Anzac Park to remain as it does now. Similarly, key users of the area, including the Somerset Surf Club may have concerns about the project. The reference group process provides the opportunity for these discussions to be held.

The financial implications of this project depend largely on Council's willingness to rationalise smaller playgrounds.

The project may, depending on final design, impact the Somerset Rotary Club's annual Foreshore Fiesta and the Circus as users of the existing site.

CONSULTATION PROCESS

The Fairy Godmothers are strongly engaged in this process and will take a key role in detailed design, fundraising and promotion. The Somerset Rotary Club have been consulted regarding their annual Foreshore Fiesta and have indicated a willingness to discuss relocating to the Cam River Reserve should appropriate infrastructure and processes be explored.

Broader consultation may be undertaken once the draft detailed design is completed. A communication exercise will be developed to identify major stakeholders, circulate and discuss landscape concept plans with residents and groups within the catchment, erect sign in the park showing concept plan, develop and post information on Council's website, handle ongoing enquiries and organise media.

COMMENT

The detailed sign of an all abilities playground in Anzac Park in Somerset will allow Council to complete detailed estimates and work with stakeholders and the community to develop a facility that is attractive to both locals and visitors to the region.

MOVED BY	CR FRIEDERSDORFF
SECONDED BY	CR HYLAND

That the Council form a reference group to progress detailed design of an an all ability playground at Anzac Park, Somerset

The MOTION was put and was CARRIED unanimously

IN FAVOUR

	CR BRADLEY	CR BRAMICH	CR DUNIAM
CR FAIRBROTHER	CR FRIEDERSDORFF	CR HYLAND	CR WRIGHT

10.3 WARATAH COMMUNITY PLAN

To:	Council
Reporting Officer:	Director Corporate and Community Services
Responsible Manager:	Director Corporate and Community Services
Report Date:	9 February 2018
File Reference:	
Enclosures:	REFER ATTACHMENT E Expression Of Interest documentation Waratah Community Board charter Waratah community Plan

PURPOSE

The purpose of this report is to recommend that Council adopt the Waratah Community Plan and Waratah Community Board Charter after the period of final community consultation.

Additionally for Council to consider endorsement of the Expression of Interest process for selection of members to the inaugural Waratah Community Board including the appointment of an elected member representative.

BACKGROUND

Council commissioned work on tourism development across the Municipality in May 2017. Waratah was identified as a centre of exceptional potential but held back by a lack of cohesive leadership in the community and a polarised relationship with Council.

The subsequent report identified the creation of a Community Board in Waratah functioning with the support of Council and focussed on achieving a Community Plan would provide an opportunity for the Waratah community to realise its tourism and community potential.

David Hammond of Hammond Robertson Ltd was selected for the role due to his expertise in development of Community Boards in New Zealand.

The process that has been undertaken in Waratah from September to November 2017 is a first for Australia. It establishes a new relationship of trust between the community and Council through a proposed Board of local leadership endorsed and supported by Council, focussed on achievement of a prioritised Community Plan and with the relationship with Council documented through a Community Board Charter.

The draft Community Plan and Board Charter were endorsed by Council in December 2017 for a period of four weeks for community comment. The process would then involve Public Hearings on the submissions made to determine if changes were required to the draft documents.

DETAILS

At the end of the consultation period there were two submissions received.

Summary of Respondent's feedback	Officers Comments
<ol style="list-style-type: none">1. There should be an action plan in place to lay out how the Waratah Falls project will be accomplished. It should have a clearly defined timeframe.2. The Ringtail Bridge should be installed and should have been included in the Plan.3. A full financial audit of the museum, and the caravan park, should precede the Tourism Association taking these over.	<ol style="list-style-type: none">1. An action plan will be developed by the Waratah Community Advisory Board in to set timeframes and priorities.2. The Waratah Community Plan identified three key priorities. There is scope for the Ringtail Bridge to be added to the "additional projects" list for assessment.3. The financial position of Council assets is published in the Annual Plan and Budget. No proposal has been received or decision made in relation to the Caravan Park and museum.
<ol style="list-style-type: none">1. All projects which require construction work should employ Waratah locals, especially since many Waratah locals are currently unemployed.	<ol style="list-style-type: none">1. Waratah community has a proud history of volunteerism and also using local resources. The Community Advisory Board will consider how to activate local volunteers.

Due to the low number of submissions, only one respondent requesting an opportunity to discuss feedback further and the cost of a public hearing process for limited input it was determined to not hold the public hearings. David Hammond contacted each respondent to ascertain the scope of the feedback and provided the advice outlined in the officers comments.

Council considered the responses and the consultation at a workshop in January 2018. Some minor amendments were made to the Board Charter as a result.

On the adoption of the Waratah Community Plan and Board Charter a process would be undertaken to appoint the inaugural Board. The Community Board members would be selected through an Expression of Interest process as outlined in the Board Charter:

3.1.1 The process to appoint Board members will include a transparent expression of interest process. The Council will make the final selection according to the guidelines and based on Board Members' skills and attributes. The process will be publicly advertised and widely promoted over a reasonable period of time.

3.1.2 There will be five appointed members, including the Chairperson, according to the Board Mix and Skills clause, below. One of these appointed members should be a local aboriginal community representative.

3.1.3 To support the link with the local Tourism Association the Chair of the Waratah Tourism Association, or nominee acceptable to the Board will also be appointed to the Board. In addition one elected member of Council (Councillor) will also be appointed giving a total of five appointees, plus the Tourism Association Chair and Councillor; a maximum of seven permanent members, plus up to two co-opted members.

3.1.4 The Board may co-opt up to two members for specific and required expertise, skills; the co-opted roles to also be approved by the Council. Co-opted members will not have a formal vote, and their term is limited to the specific reason for their appointment.

3.1.5 Each member will be appointed for a three-year term coinciding with the term of the current Waratah Community Plan. Board appointees may be re-appointed for a maximum of up to three terms, or nine years in total.

3.1.6 Following the initial appointments, the Council and the Board will discuss and review the Charter together to be signed off by both the Board and Council, except for the inaugural Board Charter adopted by Council.

3.1.7 The Chair of the Board will be appointed by the Council.

3.1.8 If an appointee resigns, the Council will lead the re-appointment process to replace that Board member.

Proposed Expression of Interest Process:

- Expression of interest advertised through local media, Council website and social media
- Flyers in every letter box in Waratah inviting for interested people to pick up an application pack from the Council Office in Waratah or Wynyard.
- Expression of Interest applications open to the public for a period of 4 weeks.
- Selection panel consisting of Mayor, Councillor Board representative, General Manager and Director Corporate and Community Services consider applications and make recommendation to Council for final approval.
- Board members appointed and notified.

STATUTORY IMPLICATIONS

Statutory Requirements

There are no statutory implications to consider. The Community Board is not a Committee of Council and does not have budget delegations or the ability to make decisions over Council resources.

STRATEGIC IMPLICATIONS

The program of work has significant alignment with the Strategic Plan and Sustainable Murchison

Strategic Plan Reference

GOAL 1: Leadership and Governance	
Desired Outcomes	
We make publicly transparent decisions on spending and future directions while encouraging community feedback.	
<i>1.1</i>	<i>Commit to best practice in community engagement.</i>

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Business & Industry	<i>Specialised diversity of the economy</i> – Value adding, diversification, innovation and employment. A resilient economy with global brand recognition and growing exports.
Tourism	<i>Memorable visitor experiences all year round</i> – 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	<i>Enduring community capital</i> – Growing, proud, self-reliant communities that are inclusive and engaged with volunteers and shared facilities.
Place making and liveability	<i>Liveable places for all ages</i> – 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	<i>Working together for Murchison</i> – 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

As part of the Community Board Charter, staff will consult on major policies and changes to levels of service or funding which affect the Waratah community. This is considered best proactive engagement and should improve the input into policy decisions in the area.

FINANCIAL IMPLICATIONS

There may be financial implications for Council from the Waratah Community Plan in regards to the development of identified priorities and/or consolidation of services.

There would also be some operational costs in relation to the Board fees for members of the Community Board.

Each of these matters will be subject to Council's budget planning and submission processes and timelines.

RISK IMPLICATIONS

Significant goodwill has been developed between Council and the community during the course of this project. It is important that both Council and the community continue to work together to ensure the ongoing success of this best practice community initiative.

To ensure the success of this initiative it will be important that Board members understand their obligations under the Community Board Charter including, the most critical component which is open and transparent dialogue and consultation between both parties on matters that relate to Waratah.

Community Board members are trained in engagement skills and how to deal with difficult issues that may arise. The consultants have offered 50 hours of free training to assist in developing these skills for members.

CONSULTATION PROCESS

The consultation process to date has been extensive with the community, staff, elected members and stakeholders. The draft Waratah Community Plan and Board Charter have been open for public comment for a four week period.

COMMENT

This process was undertaken when it was clear that Waratah has significant tourism resources which are under-utilised and a community in decline. The development of a new innovative approach to community engagement was required to improve both of these factors. This approach will require a renewed level of optimism and commitment and trust in the community and Council to build a sustainable partnership.

It is therefore recommended that Council that the Council:

1. Adopt the Waratah Community Plan and Waratah Community Board Charter
2. Endorse the Expression of Interest process for Community Board membership
3. Endorse Councillor _____ as the elected representative on the Waratah Community Board

MOVED BY	CR BRAMICH
SECONDED BY	CR FRIDERSDOFF

That Council:

1. **Adopt the Waratah Community Plan and Waratah Community Board Charter**
2. **Endorse the Expression of Interest process for Community Board membership**
3. **Endorse Councillor Kevin Hyland as the elected representative on the Waratah Community Board**

The MOTION was put and was CARRIED unanimously

IN FAVOUR

	CR BRADLEY	CR BRAMICH	CR DUNIAM
CR FAIRBROTHER	CR FRIEDERSDORFF	CR HYLAND	CR WRIGHT

10.4 COMMUNITY ACTIVATION GRANTS – 2017/2018 ROUND TWO

To:	Council
Reporting Officer:	Community & Events Officer
Responsible Manager	Director Corporate & Community Services
File Reference:	103.04/15
Council Report Date:	9 February 2018
Enclosures:	Schedule of applications received.

PURPOSE

This report has been prepared to assist Council to determine allocations to be provided to community organisations under Round two of the 2017/2018 Community Activation Grants Program.

BACKGROUND

Council received 10 Community Activation Grant applications. Advertisements appeared in “The Advocate” during October and November 2017, advising local community groups/organisations and event organisers that application forms and policy guidelines were available at the Council Offices in Wynyard and Waratah or could be downloaded from the Council’s website.

The applications have been categorised under six headings, as follows:

- A. Events
- B. Recreation and Wellbeing
- C. Arts and Culture
- D. Youth and Education
- E. Community Small Grants
- F. Community Support

STATUTORY IMPLICATIONS

Statutory Requirements

The *Local Government Act 1993* states:

Grants and benefits

- 77. (1)** *A council may make a grant or provide a benefit that is not a legal entitlement to any person, other than a Councillor, for any purpose it considers appropriate.*
- (2)** *The details of any grant made or benefit provided are to be included in the annual report of the council.*

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 3: Connected Communities	
Desired Outcomes	
We listen and engage with our community in decision making.	
Our natural and built environment aids the community with an active and healthy lifestyle.	
Our community uses its voice to shape its future alongside a strong Council willing to listen and implement where reasonable and practical.	
Our Priorities	
3.1	Promote and work with stakeholders to provide affordable quality services.
3.2	Deliver engagement strategies that adapt to community needs to ensure effective communication and collaboration.
3.3	Deliver planning for activation through effective urban design and planning that promotes liveability, social gathering and connectedness, and which recognises and celebrates local history.
3.4	Build community capacity through services and programs that strengthen, support and care for our community.
3.6	Facilitate activities and events that promote inclusion, health, safety and a sense of place.
3.7	Promote and strengthen community safety to retain and attract families to live and recreate in Waratah-Wynyard.
3.8	Support and promote strategies to increase the rate of volunteerism in the community.

Sustainable Murchison Community Plan 2040

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

FINANCIAL IMPLICATIONS

The Council currently has an amount of \$50,000 included within the 2017/2018 approved budget for this item. The following reconciliation provides an indication of the budget implications if all of the recommendations provided were to be accepted:

Budget Allocation:	
Community Activation Grants Program	\$40,000
Community Support – approved under delegation	\$10,000

Total	\$50,000
Less: Recommendation Round One	\$29,992
Less: Recommendation Round Two	\$19,704
Less: Community Support approved	\$1,318
Total Round One & Two and Community Support	\$51,014
Balance Available	0

A schedule of all applications received, and the proposed contribution is attached.

DETAILS

To assist Council in reviewing the applications received, the grants committee (*the Deputy Mayor, the Director Corporate and Community Services, the Manager Community Activation and the Community Development Officer*) undertook an initial assessment and provided comments and recommendations. Councillors discussed the grant applications at the Councillor Workshop held on 5th February 2018.

Each application is assessed against the criteria outlined in the application and applicants must meet the requirements of the Community Activation Grants program to be eligible.

Assessment Criteria

1. Benefit to the Waratah-Wynyard community;
2. Innovation and proactivity;
3. An integrated and collaborative approach, avoiding duplication;
4. Value for money;
5. Community support for the project, particularly from any partners;
6. High levels of other financial or in-kind contributions;
7. The ability to build and strengthen community capacity;
8. Good prospects for successful implementation; and
9. Volunteer and community involvement with the project.
10. Education providers are able to apply on the condition that the project/activity is open.

Disbursement of Grant

All organisations that are awarded a grant are required to produce evidence of expenditure, i.e. quotations or accounts for payment, prior to the funds being disbursed.

New Events receiving assistance for a three year term are required to sign an Event Sponsorship Funding Agreement.

Acquittal Process

An acquittal report must be submitted for grants.

All organisations that receives a grant, must lodge an Acquittal Report at the conclusion of the project, detailing how the funds have been spent and outlining the success or otherwise of the project.

RISK IMPLICATIONS

There is a risk that community groups who receive a grant will have an expectation of a similar amount of support in following years and that a precedent is set for groups of a similar interest and nature to also be supported by Council.

This risk is minimised by advising applicants that the provision of a community activation grant this financial year does not set a precedent for allocation of a similar amount in future budgets.

Risk is also minimised by applying the guidelines for disbursement of the grants and the following acquittal process.

COMMENT

That the Council provide community activation grants to the outlined organisations as recommended under round two of the Council's 2017/2018 Community Activation Grants program.

MOVED BY	CR FRIEDERSDORF
SECONDED BY	CR BRAMICH

That Council provide Community Activation Grants to the following organisations under round two of the Council's 2017/2018 Community Activation Grants program:

Organisation	Recommended for Approval
Somerset Indoor Bias Bowls Inc.	\$2,000
Somerset Amateur Basketball Association	\$1,980
Wynyard AFL Auskick Inc.	\$1,000
Wynyard Bowls & Community Club Inc.	\$2,000
Wynyard Basketball Association	\$1,958
Australian Society of the Teachers of the Alexander Technique	\$1,500
Live Well Tasmania Inc.	\$300
Wynyard RSL Sub Branch Inc. – not Eligible	\$0
University of the Third Age	\$1,966
Wynyard Cricket Club	\$2,000
Three year funding agreements from 2017/2018	
Targa Australia Pty Ltd	\$5,000
Total	\$19,704

The MOTION was put and was CARRIED unanimously

IN FAVOUR

	CR BRADLEY	CR BRAMICH	CR DUNIAM
CR FAIRBROTHER	CR FRIEDERSDORFF	CR HYLAND	CR WRIGHT

Waratah-Wynyard Council Community Activation Grants Program 2017/2018 Round Two										
#	Name of Organisation	Description of project	Total Cost	Org. Contr.	Grants/ other	In-Kind	Short Fall	Assist. Sought	Recom. Allocation	Council Grant
1	Somerset Indoor Bias Bowls Inc.	Purchase of a Defibrillator	2,182	182				2,000	2,000	2,000
2	Somerset Amateur Basketball Association	Purchase of 22 Basketballs for development programs	1,980	180				1,980	1,980	1,980
3	Wynyard AFL Auskick Inc.	Purchase of footballs & tackle bags	1,525	152.50				1,525	1,000	1,000
4	Wynyard Bowls & Community Club Inc.	Replacement/strengthening of damaged perimeter fencing	5,200			3,200		2,000	2,000	2,000
5	Wynyard Basketball Association	Install WIFI link to new scoreboard	1,958	-				1,958	1,958	1,958
6	Australian Society of teachers of the Alexander Technique	Replacement & upgrade of Plaque on Table Cape	3,250	1,750				1,500	1,500	1,500
7	Live Well Tasmania	Purchase of Council pavers for multi-purpose space	600	300				300	300	300
8	University of the Third Age U3A	Purchase of portable PA system	1,966					1,966	1,966	1,966
9	Wynyard Cricket Club	Purchase of turf wicket covers	2,365	365	TBC			2,000	2,000	2,000
10	Wynyard RSL	Conserving & Sharing Our Collection online.	10,642	5,000	3,642			2,000	Not eligible	
			31,668	7,929.50	3,642	3,200		17,229	14,704	14,704
Waratah-Wynyard Council Community Activation Event Sponsorship 2017/2018 Round Two										
#	Name of Organisation	Description of project	Total Cost	Org. Contr.	Grants/ other	In-Kind	Short Fall	Assist. Sought	Recom. Allocation	Council Grant
	Three Year Agreement									
	TARGA Australia Pty Ltd	Joint sponsorship with Circular Head & Burnie Councils	5,000					5,000	5,000	5,000
			5,000					5,000	5,000	5,000
TOTAL GRANT ALLOCATION								22,229	19,704	19,704

10.5 FINANCIAL REPORT FOR THE PERIOD ENDED 31 JANUARY 2018

To:	Waratah-Wynyard Council
Reporting Officer:	Accountant
Responsible Manager:	Manager Financial Services
Report Date:	9 th February 2018
File Reference:	100.10
Enclosures:	Financial Summary Cash Position Rate Summary Capital Works Summary

PURPOSE

To provide an overview which summarises the financial position of the organisation on a monthly basis.

BACKGROUND

The financial reports presented incorporate:

- Financial summary
- Cash Position
- Rate Summary
- Capital Works Summary

DETAILS

Nil

STATUTORY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

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

POLICY IMPLICATIONS

The contents of this special purpose financial report are prepared under the guidance of Council policies.

FINANCIAL IMPLICATIONS

No significant financial implications have been identified.

RISK IMPLICATIONS

No significant risk implications have been identified.

CONSULTATION PROCESS

Nil

COMMENT

It is therefore recommended that the Council notes the Financial Reports for the period ended 31 January 2018.

MOVED BY	CR FRIEDERSDORFF
SECONDED BY	CR BRAMICH

That the Council notes Financial Reports for the period ended 31 January 2018.

The MOTION was put and was CARRIED unanimously

IN FAVOUR

	CR BRADLEY	CR BRAMICH	CR DUNIAM
CR FAIRBROTHER	CR FRIEDERSDORFF	CR HYLAND	CR WRIGHT



Waratah-Wynyard Council

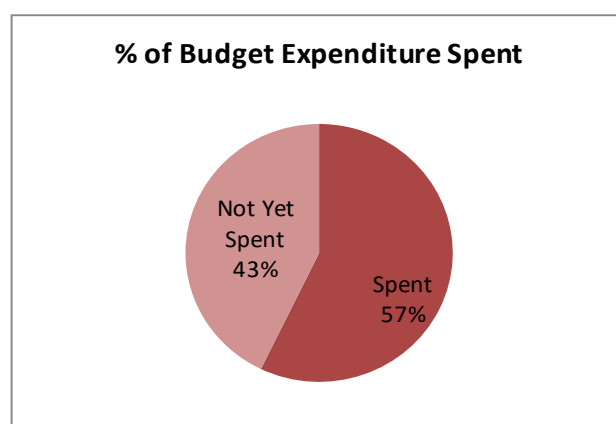
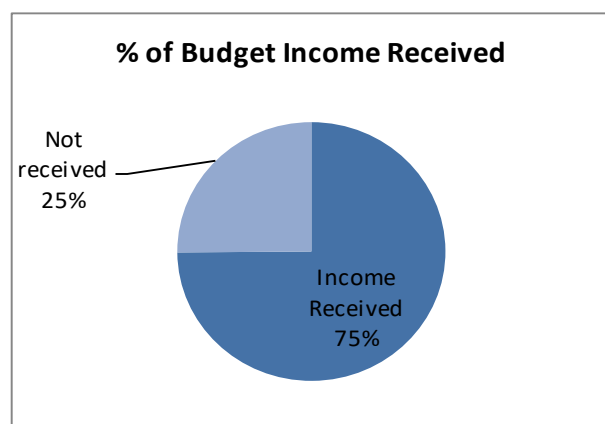
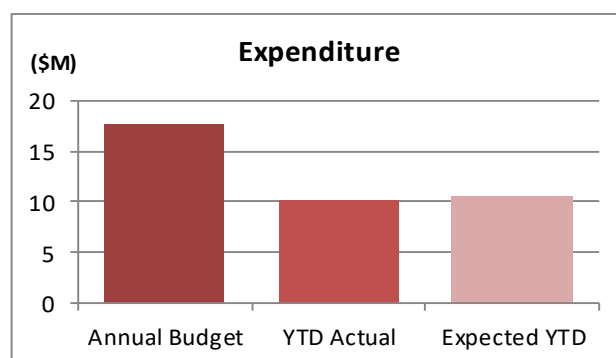
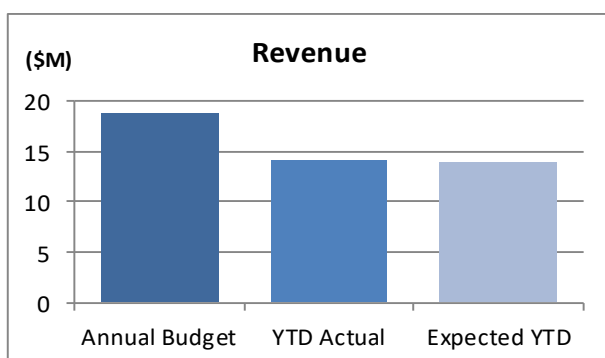
FINANCIAL SUMMARY

For the period ended 31 January 2018

REVENUE	Annual Budget \$	YTD Actual \$	Expected YTD \$	YTD Actual % of Budget %	Notes
Council & General Manager's Office	8,160	104,096	4,080	1,275.69	1.
Strategic & Financial Services	11,206,903	8,720,252	8,991,466	77.81	
Corporate & Community Services	1,760,959	1,090,699	995,228	61.94	
Infrastructure & Development Services	5,732,242	4,094,657	3,869,154	71.43	
	18,708,264	14,009,704	13,859,928	74.89	

EXPENDITURE	Annual Budget \$	YTD Actual \$	Expected YTD \$	YTD Actual % of Budget %	Notes
Council & General Manager's Office	1,022,339	583,144	600,493	57.04	
Strategic & Financial Services	1,778,652	1,208,930	1,306,302	67.97	
Corporate & Community Services	3,414,749	1,973,797	1,975,433	57.80	
Infrastructure & Development Services	11,490,523	6,357,904	6,647,001	55.33	
	17,706,263	10,123,775	10,529,229	57.18	

NET RESULT	Annual Budget \$	YTD Actual \$	Expected YTD \$
	1,002,001	3,885,928	3,330,699





Waratah-Wynyard Council

FINANCIAL SUMMARY NOTES

For the period ended 31 January 2018

Notes to Revenue	Annual Budget \$	YTD Actual \$	Expected YTD \$	YTD Actual % of Budget %
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1. Council & General Manager's Office	8,160	100,000	2,040	1,225.49
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\$100,000 grant received which was not allocated in 2018 budget. This grant was expected to be received during the 2016/17 financial year.

Notes to Expenditure	Annual Budget \$	YTD Actual \$	Expected YTD \$	YTD Actual % of Budget %
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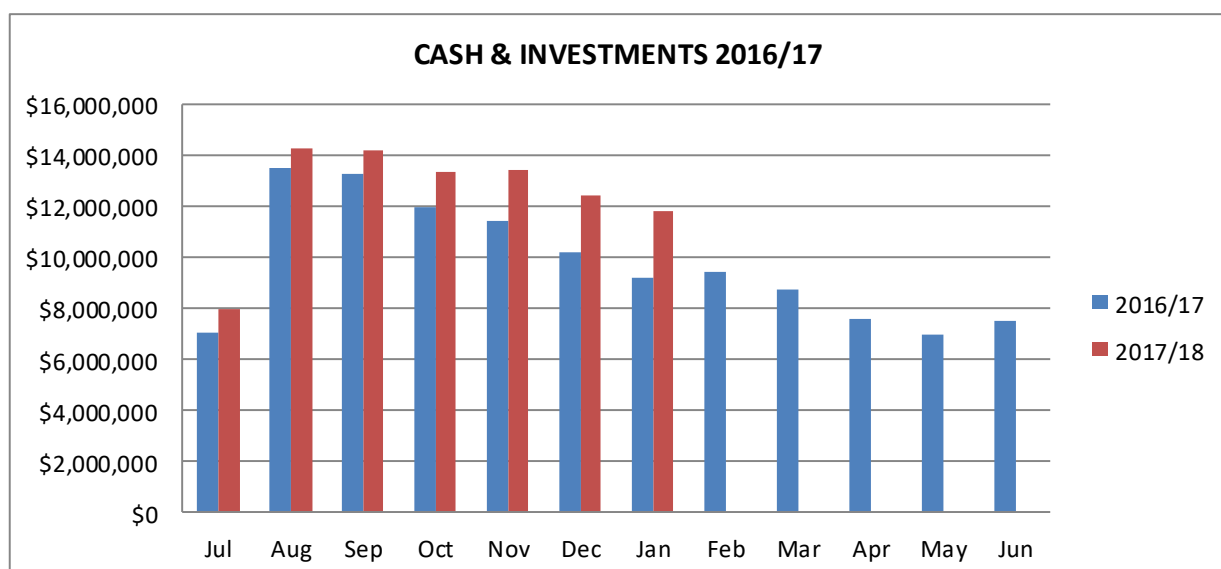


Waratah-Wynyard Council

CASH POSITION

For the period ended 31 January 2018

FINANCIAL INVESTMENTS	\$	INVESTMENTS	\$	Weighted Average
Deposits	11,150,000	Commonwealth Bank	611,865	1.25%
		ANZ	3,000,000	2.48%
		Bankwest	8,150,000	2.46%
Petty Cash and Till Floats	2,420	Petty Cash and Till Floats	2,420	
Trading Account	611,865			
BALANCE (ALL ACCOUNTS)	11,764,285		11,764,285	2.41%



Benchmarks:	RBA Cash Rate*	1.500
	90 Day BBSWs Rate**	1.775

*source: www.rba.gov.au as at 31 January 2018

**source: <http://www.asx.com.au/data/benchmarks/bbsw-10-day-rolling-history.pdf> as at 31 January 2018

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



Waratah-Wynyard Council

RATE SUMMARY

For the period 1 July 2017 to 31 January 2018

RATE SUMMARY	2017/18		2016/17	
	%	\$	%	\$
<i>Notice Issue Date - 28 July 2017</i>				
OUTSTANDING RATE DEBTORS (As at 1 July 2016)	4.04	459,917	3.30	363,930
ADD CURRENT RATES AND CHARGES LEVIED (including penalties)	95.96	10,924,629	96.70	10,677,570
GROSS RATES AND CHARGES DEMANDED	100.00	11,384,546	100.00	11,041,500
LESS RATES AND CHARGES COLLECTED	85.68	9,753,983	85.04	9,389,306
REMISSIONS AND DISCOUNTS**	8.44	961,153	8.34	920,804
	94.12	10,715,136	93.38	10,310,110
ADD PROPERTIES IN CREDIT	(2.47)	281,188	(2.24)	246,844
UNPAID RATES AND CHARGES (includes Deferred Rates)	8.35	950,598	8.86	978,234
**REMISSIONS AND DISCOUNTS	2017/18		2016/17	
Discount	386,536		369,305	
Pensioner Rebates	565,672		550,094	
Council Remissions and Abandements	8,945		1,405	
	961,153		920,804	



Waratah-Wynyard

CAPITAL WORKS SUMMARY

For the period ended 31 January 2018

Capital Projects 2017/18	Notes	Budget \$	% Spend of Budget
GOVERNANCE			
Wynyard Wharf Entrance Augmentation		450,000	1%
New Board Walk and Seawall Renewal		825,000	1%
Office Refurbishment		850,000	45%
Council - Other		223,492	80%
		2,348,492	24%
STRATEGIC & FINANCIAL SERVICES			
Wynyard Goldie St Carpark Development		897,000	10%
Other		25,000	0%
		922,000	10%
CORPORATE SERVICES			
Information Technology		40,000	18%
		40,000	18%
COMMUNITY SERVICES			
Children's Services		68,000	37%
		68,000	37%
ENGINEERING SERVICES			
Depot & Plant		483,000	35%
Waste Management		47,100	100%
Public Conveniences		10,000	102%
		540,100	42%
TRANSPORT			
Re-Sheeting		482,976	37%
Reseals - Rural		319,140	20%
Reseals - Urban		180,128	29%
Footpaths		114,600	100%
Wynyard Wharf Masterplan Works	1.	122,000	157%
Somerset CBD Masterplan Works		690,000	56%
General - Other & Bridges		649,643	9%
		2,558,487	41%
Sporting Facilities			
Sporting Facilities	2.	52,000	141%
		52,000	141%
PARKS & GARDENS			
Camp Creek Remediation		700,000	7%
Parks & Gardens - Other		505,000	76%
		1,205,000	36%
STORMWATER DRAINAGE			
Stormwater Pipe Replacements and Upgrades		81,250	100%
General		45,625	34%
		126,875	76%
TOTAL CAPITAL WORKS PROGRAM 2017/18		7,860,954	33%

1. Extra design cost for roundabout to bring turning circle up to required standard, land acquisition and legal costs related to increased footprint of roundabout, asphalt laid further up each of three approaches than anticipated to transition to existing surface, in particular Goldie Street..
2. Change of scope in budget. Extra funding to meet the gap in overspend, expected via external sources.

10.6 SENIOR MANAGEMENT REPORT

To: Council
Reporting Officer: General Manager
Responsible Manager: General Manager
Report Date: 8 February 2018
File Reference: 009.02
Enclosures:

SUMMARY/PURPOSE

To provide information on issues of significance, matters of interest; statistical information and summaries of specific areas of operations.

GENERAL MANAGERS OFFICE

The below is a summary of activities undertaken by the General Manager during the period since the previous Council meeting.

Corporate

- In conjunction with the Executive Management team of the Burnie City Council, attended a presentation of the future roadmap for Council's current finance software package Civica Authority.
- Attended an introductory meeting with the new General Manager of Circular Head Council, Scott Riley and Mayor Daryl Quilliam
- Attended a conciliation conference conducted through Equal Opportunity Tasmania. The lack of provision of disability parking at the Wynyard Lawn Cemetery was the complaint lodged. A sign will be erected at the entrance to the cemetery permitting disabled parking on the access road.
- Attended a joint Executive Management team meeting of Waratah-Wynyard and Circular Head Councils
- Met with a representative of the Wynyard Bowls Club regarding a rates query and to be provided with an update on the clubs proposed renovation plans.
- Met with the operator of the Waterfront Hotel to discuss and clarify flood mitigation plans for Camp Creek
- Met with Tas. Communications regarding Council's Service Level Agreements for provision of Information Technology Services and software

Community

- Attended a meet and greet at the Wynyard Yacht Club where representatives provided an overview of the clubs history and current sailing programs.
- Met with the Principal of Wynyard High School, Mr Alex Downes, to discuss Council's continued partnership with the school through a number of community programs and explore possible future opportunities.

-
- Met with the Pastor and Mrs Cuthbertson of Wynyard New Life Church, who provided an overview of the Church's current activities and membership and their plans for the future of the facility.
 - Met on site at the Waratah Dam with community members, TasWater and engineering consultants Entura to hear the issues with the current dam wall. A community meeting is planned for Tuesday 13 February 2018 to progress discussions regarding the dam's future.
 - Held meeting with representatives of clubs based at the Wynyard Showgrounds to hear their feedback on the proposed OSSR plans. The Wynyard Agricultural and Show Society, Wynyard Gymnastics Club, Bird Club, Axemen and Wynyard Cricket Club were all represented. Collectively, the group expressed a desire to remain in their current location. Some groups were willing to reconsider when detailed design process is completed and they have surety that the new facilities would suit their requirements.
 - Met with Crown Land Services regarding Sisters Beach erosion issues and weed management. Discussions will be ongoing regarding a joint approach to remediation of the site.
 - Met with Keith Price who provided an overview of Council's Try Skill Program, a recreation based program delivered annually aimed at increasing the participation of grade 5 and 6 students in local community sporting groups.
 - Met with representatives of the Fairy Godmothers who outlined their continued desire for a regional level all abilities playground in the Waratah-Wynyard Council area.

Industry

- Attended Burnie Chamber of Commerce and Industry breakfast forum. Dr Shane Broad was the Guest Speaker. A meeting was also held with the BCCI President and Secretary to discuss ongoing meeting arrangements in Wynyard and Somerset.
- Attended the TasWater Owners Representatives Quarterly Briefing. Items discussed included Price and Service Plan 3, TasWater's Productivity program, removal of public health warnings in regional towns, and the Waratah Dam.
- Met with Community Relations officers from TasWater regarding a new pilot local government engagement program, in which Waratah-Wynyard Council has been identified as one of three Councils throughout the State who will work with TasWater to improve their provision of information to customers and the community.

Other

- The State Grants Commission released a Discussion Paper and two Conversation Starter flyers that will form the basis of the Commission's consultation with councils during the 2018 Hearings and Visits program.
 - A response has been provided to all three documents:
 - Discussion Paper DP18-01: REGIONAL RESPONSIBILITY - The obligations that come with being a major regional hub;
 - Conversation Starter CS18-01: Resource sharing effects and
 - Conversation Starter CS18-02: Socioeconomic impacts.

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- Officers have prepared and provided a submission to LGAT regarding the Tasmanian Industrial Commission's upcoming review of local government councillor allowances in line with feedback provided at a recent Councillor workshop.
 - Officers provided comment on the State Sport and Recreation Infrastructure Strategy Discussion Paper

CORPORATE AND COMMUNITY SERVICES DEPARTMENT

Wynyard 2018 Year of Wellbeing" - Health Promotion Project - Increasing physical exercise and healthy eating for students in Wynyard.

The program has been funded through a grant of \$25,663 from the Tasmanian Department of Health Services and will be delivered over the next ten months.

The project is a series of events promoting physical exercise and healthy eating, which will be marketed as the "Wynyard 2018 Year of Wellbeing". There is a specific theme each month to provide a focus for the activities. Themes are used that coincide with existing broader health promotion activities such as National Ride to Work/School Day.

A key deliverable of the project is to develop and promote a directory of all current groups providing activities relating to physical exercise and healthy eating. This will build on the existing directory Council has of all local community groups. The website and social media will be used to promote the directory and specific events associated with the project.

The project is being implemented through Live Well Tasmania Inc. in partnership with Wynyard High School.

MOVED BY	CR FRIEDERSDORFF
SECONDED BY	CR HYLAND

That the monthly Senior Management Report be noted.

The MOTION was put and was CARRIED unanimously

IN FAVOUR

	CR BRADLEY	CR BRAMICH	CR DUNIAM
CR FAIRBROTHER	CR FRIEDERSDORFF	CR HYLAND	CR WRIGHT

10.6.1 PLANNING PERMITS APPROVED UNDER DELEGATION – JANUARY 2018

DA No.	Applicants Name	Location	Development	Date Permit Issued	No of Days to Process	(D)Discretionary (P)Permitted
149/2017	John Craig	578 Seabrook Road	Shed	02.01.2018	41	D
116/2017	Abel Drafting Services	136 & 138 Goldie Street	Parking Space	02.01.2018	40	D
53/2017 & SD 2026	Vaughen Harvey	2 Pelissier Street	Subdivision (1 into 3) & outbuilding	04.01.2018	40	D
SD 2047	PDA Surveyors	Reservoir Drive (CT 171849/1 & 145051/1), 273 & 276 Reservoir Drive & Smiths Road (CT 171849/2) & 63 Smiths Road Wynyard	Subdivision (6 into 10 lots)	08.01.2018	39	D
150/2017	Taylor Made Homes	502 Murchison highway	Dwelling extension	10.01.2018	41	D
95/2017	Enviroplan	Nunns Road Elliot	Dwelling	11.01.2018	42	D
156/2017	G & T Wolfe	14 Brownriggs Road	Outbuilding	17.01.2018	27	P
157/2017	6ty Pty Ltd	17386 Bass Highway	New additions	17.01.2018	27	P
SD2050	PLA Designs	56 Raglan Street	Subdivision (1 into 2)	22.01.2018	28	P
140/2017	D & P Kentish	301 Mount Hicks Road	Replacement Dwelling	23.01.2018	41	D
151/2017	C K Stretton	14 Moore Street	Dwelling Extension	23.01.2018	18	P
158/2017	A Wood & Ms Coutts-Wood	65 Buggs Lane	Outbuilding (Garage)	29.01.2018	39	D
152/2017	KC & SS Kingston	12 Reeve Street	Outbuilding	30.01.2018	32	D

10.6.2 BUILDING PERMITS APPROVED – JANUARY 2018

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

Permit Number	Applicants Name	Location	Development	Date Permit Issued	No of Days to Process	Related Planning Approval
2017-152-01	Abel Drafting Services	17894 Bass Highway Sisters Creek	Café – Alterations, Change of Use	02.01.2018	0	DA 93/2017
2017-97-01	Richard & Angela Williams	24 Table Cape Road Wynyard	New Buildings – Dwelling & Shed	12.01.2018	5	DA 96/2017
2017-148-01	Roland Ark	136 Goldie Street	New building	16.01.2018	4	DA 116/2017
2018-7-01	Dawson Tas Pty Ltd	116 Inglis Street	New Building Dwelling With Attached Garage	30.01.2018	6	DA 137/2017 - A

OPEN ACTION LIST –PREVIOUS COUNCIL MEETINGS (JANUARY 2018) - SUMMARY OF MATTERS REQUIRING ACTION

Meeting Date	Item #	Topic	Action/Status	Officer	Status	Date Closed
22-Jan-18	5.3.1	Public Questions Without Notice - K Ewington - Standard of Airport Gardens	Mr Ken Ewington of Flowerdale asked when the Council would take action to have the Airport Corporation improve their surrounds including lawns, garden beds and signage. The General Manager to meet with Burnie Airport Corporation to discuss the maintenance of the site. <i>Airport Manager has been on leave a meeting has been scheduled.</i>	GM	Ongoing	
22-Jan-18	7.4	Planning Matter - SD2048 Boat Harbour Beach	Motion Tied - NO Decision, Special Council Meeting to be held Special Meeting Held 29/8 Subsequent Legal advice received and original decision from 22/1 to stand - i.e. motion lost. Applicants have been advised	GM	Closed	12/2/18
22-Jan-18	8.1.1	RTQON - Cr Hyland - Raw Sewerage Calder Road	Tests were conducted and found to be inconclusive with second test to be completed. Subsequent advice that incorrect information provided after agenda had issued. Capacity of properties system currently being assessed. Refer Agenda item	DIDS	Ongoing	
22-Jan-18	8.3.1	CQWN - Cr Bradley - Thistle Hut Request for Public Toilet Signs	Cr Bradley advised that the owners of the Thistle Hut Café at Boat Harbour have asked that Council provide signage that states where public toilets are available and that their shop does not have public toilets. The Director of Infrastructure and Development Services advised the matter would be investigated and he would ask the Department of State Growth for what possible signs they could supply on the highway. Request sent to State Growth, details of investigation included in agenda.	DIDS	Ongoing	
22-Jan-18	10.1	ROC - Cradle Coast Authority Shared Services Report	Report Noted. Motion Passed GM has advised Cradle Coast Authority of outcome	GM	Closed	25/1/18

Meeting Date	Item #	Topic	Action/Status	Officer	Status	Date Closed
22-Jan-18	10.2	ROC -Recreation Advisory Committee	Motion Passed - Committee Dissolved Letters of thanks sent to Committee Members	DCCS	Closed	31/1/18
22-Jan-18	10.3	ROC - Budget Amendment Inglis River Walking Track	Motion Passed - Budget Amendment made and work to be scheduled. Bridgework expected to be completed by mid-March. Quotes to complete north side of track currently being sought with aim being to start work end of February.	DIDS	Closed	31/1/18
22-Jan-18	10.4	ROC -Budget Adjustment - Childcare Bathroom	Motion Passed - records updated to reflect capital grant funding	MFS	Closed	31/1/18

ADMINISTRATION - USE OF CORPORATE SEAL

15/1/18	Final Plan & Schedule of Easements	SD2033 - 19 Moore Court Wynyard – Boundary reconfiguration
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SUMMARY OF CORRESPONDENCE CIRCULATED

Nil

11.0 MATTERS PROPOSED FOR CONSIDERATION IN CLOSED MEETING

Legislative Reference:

Local Government (Meeting Procedures) Regulations 2015; Regulation 15

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

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

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

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

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

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

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

Other Matters

MOVED BY	CR HYLAND
SECONDED BY	CR FRIEDERSDORFF

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

Matter	Local Government (Meeting Procedures) Regulations 2015Reference
<i>Confidential Report R15 (2) – Confirmation of Closed Minutes of Previous Meeting</i>	15 (2)
<i>Confidential Report R15 (2) - Issues Raised By Councillors</i>	15 (2)
<i>Confidential Report R15 (2) - Councillor Questions Received In Writing</i>	15 (2)
<i>Confidential Report R15 (2) - Response(s) To Councillor Questions Received In Writing</i>	15 (2)
<i>Confidential Report R15 (2) - Response(s) To Councillor Questions Taken On Notice From Previous Meeting</i>	15 (2)
<i>Confidential Report R15 (2) - Councillor Questions Without Notice</i>	15 (2)
<i>Confidential Report R15 (2) - Notices Of Motion</i>	15 (2)
<i>Confidential Report R15 (2) (a) personnel matters, including complaints against an employee of the council and industrial relations matters</i>	15(2)(a)
<i>Confidential Report R15 (2) (f) Proposals for the council to acquire land or an interest in the land or for the disposal of land;</i>	15(2)(f)
<i>Confidential Report R15 (2)(h) - Leave Of Absence Request - Councillors</i>	15 (2)(h)
<i>Confidential Report R15 (2) (i) relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council;</i>	15 (2)(i)
<i>Confidential Report R15 (2)(c) - Cheques And EFT's as at 31 January 2018</i>	15 (2)(c)
<i>Confidential Report R15 (2)– Closed Senior Management Report</i>	15 (2)

The MOTION was put and was CARRIED unanimously

IN FAVOUR

	CR BRADLEY	CR BRAMICH	CR DUNIAM
CR FAIRBROTHER	CR FRIEDERSDORFF	CR HYLAND	CR WRIGHT

Other Matters

12.0 CLOSURE OF MEETING TO THE PUBLIC

Legislative Reference:

Local Government (Meeting Procedures) Regulations 2015; Regulation 15

MOVED BY	CR FRIEDERSDORFF
SECONDED BY	CR BRAMICH

That the Council RESOLVES BY AN ABSOLUTE MAJORITY to go into Closed Meeting to consider the following matters, the time being 8.16PM:-

Matter	Local Government (Meeting Procedures) Regulations 2015Reference
<i>Confidential Report R15 (2) – Confirmation of Closed Minutes of Previous Meeting</i>	15 (2)
<i>Confidential Report R15 (2) - Issues Raised By Councillors</i>	15 (2)
<i>Confidential Report R15 (2) - Councillor Questions Received In Writing</i>	15 (2)
<i>Confidential Report R15 (2) - Response(s) To Councillor Questions Received In Writing</i>	15 (2)
<i>Confidential Report R15 (2) - Response(s) To Councillor Questions Taken On Notice From Previous Meeting</i>	15 (2)
<i>Confidential Report R15 (2) - Councillor Questions Without Notice</i>	15 (2)
<i>Confidential Report R15 (2) - Notices Of Motion</i>	15 (2)
<i>Confidential Report R15 (2) (a) personnel matters, including complaints against an employee of the council and industrial relations matters</i>	15(2)(a)
<i>Confidential Report R15 (2) (f) Proposals for the council to acquire land or an interest in the land or for the disposal of land;</i>	15(2)(f)
<i>Confidential Report R15 (2)(h) - Leave Of Absence Request - Councillors</i>	15 (2)(h)
<i>Confidential Report R15 (2) (i) relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council;</i>	15 (2)(i)
<i>Confidential Report R15 (2)(c) - Cheques And EFT's as at 31 January 2018</i>	15 (2)(c)
<i>Confidential Report R15 (2)– Closed Senior Management Report</i>	15 (2)

The MOTION was put and was CARRIED unanimously

IN FAVOUR

	CR BRADLEY	CR BRAMICH	CR DUNIAM
CR FAIRBROTHER	CR FRIEDERSDORFF	CR HYLAND	CR WRIGHT

13.0 RESUMPTION OF OPEN MEETING

At 9.24pm the Open Meeting was resumed.

14.0 PUBLIC RELEASE ANNOUNCEMENT

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

Min. No.	Subject	Decisions/Documents
18.2	Withdrawal of Permit	Approved
20.3.1	Consent to Right of Way	Refused

THERE BEING NO FURTHER BUSINESS THE CHAIRPERSON DECLARED THE MEETING CLOSED AT 9.24pm.

Confirmed,

MAYOR
19 MARCH 2018