



**ORDINARY MEETING
OF COUNCIL**

**MINUTES
OPEN MEETING**

15 February 2021

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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 15 FEBRUARY 2021, COMMENCING AT 6.03PM**

	From	To	Time Occupied
Open Council	6.03PM	6.27PM	24MINS
Planning Authority	6.27PM	6.55PM	28MINS
Open Council	6.55PM	7.30PM	35MINS
Closed Council	7.30PM	7.39PM	9MINS
Open Council	7.39PM	7.39PM	0MINS
TOTAL TIME OCCUPIED			96MINS

AUDIO RECORDING OF COUNCIL MEETINGS POLICY

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

ACKNOWLEDGEMENT OF COUNTRY

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

1.0 RECORD OF ATTENDANCE

1.1 ATTENDANCE

Mayor Robby Walsh
Councillor Maureen Bradley
Councillor Gary Bramich
Councillor Andrea Courtney
Councillor Celisa Edwards
Councillor Darren Fairbrother
Councillor Kevin Hyland

IN ATTENDANCE

Shane Crawford - General Manager
Daniel Summers - Director Infrastructure and Development Services
Tracey Bradley - Director Community and Engagement
Samantha Searle - Director Organisational Performance
Ashley Thornton - Manager Development and Regulatory Services
Sally Blanc - Executive Officer

1.2 APOLOGIES

Councillor Mary Duniam

1.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil received.

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

2.1 CONFIRMATION OF MINUTES OF PREVIOUS ORDINARY COUNCIL MEETING

MOVED BY	CR COURTNEY
SECONDED BY	CR BRAMICH

That the Minutes of the Ordinary Meeting of the Waratah-Wynyard Council held at Council Chambers, 21 Saunders Street, Wynyard on Monday 18 January 2021, a copy of which having previously been circulated to Councillors prior to the meeting, be confirmed as a true record.

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

3.0 DECLARATIONS OF INTEREST
--

Councillor and Agenda Item Number

Nil

Staff and Agenda Item Number

Nil

4.0 COUNCILLORS ANNOUNCEMENTS AND REPORT

4.1 ANNOUNCEMENTS BY MAYOR

Nil received.

4.2 MAYOR'S COMMUNICATIONS

11/1/21	Meeting with Constituent
12/1/21	Meeting with General Manager
13/1/21	Media Event – Launch of Penguin Toolkit program
15/1/21	Meeting with Constituent
18/1/21	Meeting with Constituent
18/1/21	Meeting with General Manager
18/1/21	Meeting with Constituent
18/1/21	Council Meeting
20/1/21	Meeting with TasWater
26/1/21	DEPUTY MAYOR -Australia Day Award Presentation
29/1/21	CR EDWARDS – Hellyer Collage Evening of Excellence
1/2/21	Meeting with General Manager
1/2/21	Councillor Workshop
2/2/21	NW Community Markets Meeting
3/2/21	TasWater Reps Briefing
6/2/21	ABC News Radio / ABC TV News / 7Tas TV News
8/2/21	Councillor Workshop
8/2/21	ABC Radio -Leon Compton
8/2/20	Councillor Workshop

MOVED BY	CR HYLAND
SECONDED BY	CR EDWARDS

That Council note the Mayors Communications

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

4.3 REPORTS BY DELEGATES

Nil received.

4.4 NOTIFICATION OF COUNCIL WORKSHOPS

MOVED BY	CR HYLAND
SECONDED BY	CR BRADLEY

That the Council note the following Councillor Workshops

1/2/21	Boat Harbour Beach Masterplan Progress Update
1/2/21	Community Services – Christmas Activities Overview
1/2/21	Public Art Working Group
1/2/21	Waratah discussion
1/2/21	IGA Junction Wynyard
8/2/21	Children's Services – Facility Improvements
8/2/21	Dog Management

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

5.0 PUBLIC QUESTIONS AND STATEMENTS

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

5.1.1 MR C HUTCHISON - INCONSISTENCY

QUESTION

Mr Hutchison of Preolenna asked if the General Manager or Mayor could please provide an explanation regarding the inconsistency with which they have treated similar council land disposal items.

The General Manager took the question on notice to provide a response in writing. He noted that statutory processes are followed on all occasions which ensures there is a consistent process for disposing of public land.

OFFICERS RESPONSE

QUESTION

Mr Hutchison of Preolenna asked if the General Manager or Mayor could please provide an explanation regarding the inconsistency with which they have treated similar council land disposal items.

The General Manager took the question on notice to provide a response in writing. He noted that statutory processes are followed on all occasions which ensures there is a consistent process for disposing of public land.

OFFICERS RESPONSE

Officers confirm that public land disposals must be undertaken in accordance with the statutory process set out by the *Local Government Act 1993*. The statutory process provides for a consistent and transparent approach to the disposal of public land. The requirements of the Act are provided below.

Mr Hutchison referred to the process followed for Preolenna Hall versus the disposal process for 9 Martin Street and is querying consistency in treatment of both matters.

Officers advise that the statutory process for each disposal has been followed in accordance with the Act. The difference between the two disposal processes from a process perspective was the use of Closed Meeting procedures.

Decisions relating to Preolenna Hall were made in the **closed** meeting of Council. Council considered the outcome of the public land disposal process for 9 Martin Street in its **open** meeting.

Local Government (Meeting Procedures) Regulations 2015 provide for Council to consider certain matters in closed session. The meeting regulations allow for both of these matters to be considered in the closed session due to both reports relating to the disposal of land (allowable under sub regulation (2)(f)). The meeting rules are included below.

There are 3 separate decision points for Council when disposing of Public Land which may require up to 3 separate reports to Council being:

-
1. Resolution to commencement of public land disposal process;
 2. Resolution to dispose or not to dispose following the outcome of the public disposal process and consideration of any objections received; and
 3. Authorisation to enter a contract of sale.

All of the above decision points are able to be considered in the closed meeting of Council under the meeting regulations.

The following table outlines each of the key decisions made by Council for both matters.

Decisions of Council:	Preolenna Hall	9 Martin Street
1. Commencement of public land disposal process.	Closed Meeting 19 August 2019	Closed Meeting 16 November 2020
2. Report on outcome of public disposal process & consideration of objections received following a 21-day objection period.	Closed Meeting 20 April 2020	Open Meeting 18 January 2021
3. Authorisation to enter a contract of sale.	Closed Meeting 20 April 2020	n/a

Preolenna Hall

The public land disposal process for Preolenna Hall included an expression of interest process for the sale and/or other use of the hall. Council therefore considered the outcome of the public land disposal process (point 2 above) and expressions of interest received (point 3 above) at the same time.

The report was included in closed session under the meeting regulations due to it involving the proposed disposal of property and a proposed transaction with an external party.

Subject to the *Right to Information Act 2009*, any discussions, decisions, reports or documents relating to a closed meeting are to be kept confidential unless Council, after considering privacy and confidentiality issues, authorises their release to the public.

Council authorised the release of information relating to its decision and a media release was made reporting the outcome to the community in consultation with the purchasers of the property.

9 Martin Street

Whilst meeting regulations allowed Council to consider this report in the closed meeting, officers elected to include the report in the open session given there was no proposed transaction with an external party and no privacy considerations.

Council has not yet authorised the General Manager to enter a contract of sale for 9 Martin Street which means that Council will need to formally consider any offer to purchase the land if an offer to purchase the property is received.

If an offer to purchase the property is received, it will be listed in the closed session given it would involve a proposed transaction with an external party.

Council, at that time, would consider privacy and confidentiality issues prior to releasing the information to the public.

Local Government (Meeting Procedures) Regulations 2015

Local Government (Meeting Procedures) Regulations 2015 provide for Councils to consider certain matters in closed session. Sub regulation (2) provides the following list of specified matters to be considered in closed session: -

- (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.*

Local Government Act 1993 Public Land Disposal Requirements

The *Local Government Act 1993* Sections 178, 178A and 178B outlines the process for the sale of Public Land as follows:

178. Sale, exchange and disposal of public land

- (1) A council may sell, lease, donate, exchange or otherwise dispose of public land owned by it in accordance with this section.*
- (2) Public land that is leased for any period by a council remains public land during that period.*
- (3) A resolution of the council to sell, lease, donate, exchange or otherwise dispose of public land is to be passed by an absolute majority.*
- (4) If a council intends to sell, lease, donate, exchange or otherwise dispose of public land, the general manager is to–*
 - (a) publish that intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area; and*
 - (ab) display a copy of the notice on any boundary of the public land that abuts a highway; and*

-
- (b) *notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication.*
 - (5) *If the general manager does not receive any objection under [subsection \(4\)](#) and an appeal is not made under [section 178A](#), the council may sell, lease, donate, exchange or otherwise dispose of public land in accordance with its intention as published under [subsection \(4\)](#).*
 - (6) *The council must –*
 - (a) *consider any objection lodged; and*
 - (b) *by notice in writing within 7 days after making a decision to take or not to take any action under this section, advise any person who lodged an objection of –*
 - (i) *that decision; and*
 - (ii) *the right to appeal against that decision under [section 178A](#).*
 - (7) *The council must not decide to take any action under this section if –*
 - (a) *any objection lodged under this section is being considered; or*
 - (b) *an appeal made under [section 178A](#) has not yet been determined; or*
 - (c) *the Appeal Tribunal has made a determination under [section 178B\(b\)](#) or [\(c\)](#).*

5.2 PUBLIC QUESTIONS RECEIVED IN WRITING

5.2.1 M CROPPER - RECOGNITION OF FORSTER FAMILY

QUESTION

Is it possible for a flower bed, specifically for Daffodils and other bulbs, to be established and maintained by Council in the Town Centre and dedicated to the Forster Family. Descendants of the family may like to provide a plaque.

OFFICERS RESPONSE

It is noted that this request is provided as an alternative to changing the name of Fosters Road to Forsters Road as per the Council resolution in October 2020.

The name change has been implemented therefore negating the need to progress this matter in the short term.

5.3 PUBLIC QUESTIONS WITHOUT NOTICE

5.3.1 MR J MCERLAIN - TRUCK WASH AND SALE YARDS

Mr McErlain of Wynyard asked if Council would publicly endorse the project for the establishment of Sale Yards and a Truck Wash at the Minna Road site in Heybridge by providing a letter of support

The Mayor advised that Council does not yet have formal position and agreed to discuss at next week's Councillor Workshop with a reply to be provided following that discussion.

5.3.2 MR C HUTCHISON - SOMERSET RECREATION SPACE

Mr Hutchison of Preolenna noted the proposed re-zoning of land at Langley Park, asked if the Somerset Football Club and the Somerset Cricket Club have been consulted on the proposed movement of sporting facilities to the Sporting Precinct to be developed adjacent to the Somerset Primary School and if are they supportive of these changes.

The General Manager advised that preliminary discussions have been held with both clubs, the Department of Education and the Somerset Primary School. Discussions are at an early stage and clubs are now waiting for details and a formal proposal before making any decisions on what will occur.

5.3.3 MR C HUTCHISON - NXNW TOURISM FORUM

Mr Hutchison of Preolenna asked the General Manager if he could Please provide summary of WNW Tourism Forum in Devonport, if there is any vision or clarity for supporting local tourism in Waratah-Wynyard and if the "Get Closer" tourism advertising campaign had any positive impact and what is the next planned advertising to market the area.

The General Manager suggested that the "Get Closer "campaign has been successful but would provide further detail in a reply that covers all the points above.

5.3.4 MR M SMITH - FOSTERS ROAD

Mr Smith of Wynyard asked if it was reasonable for residents of Fosters Road to expect that the decision taken at the September 2020 Council Meeting to leave the name of Fosters Road unchanged be final.

He asked why the decision was reversed at the October Council Meeting without any further contact with residents given the majority has already opposed the change.

The Director of Organisational Performance confirmed that council considered the name change at its September meeting and the officers recommendation that the name remain unchanged was accepted. A subsequent motion to rescind that decision at the October meeting and change the name was carried. She suggested that listening to the audio of meeting would provide the rationale for the decision.

5.4 PUBLIC STATEMENTS RECEIVED IN WRITING

5.4.1 M CROPPER - FOSTERS ROAD

SUMMARY/PURPOSE

Mrs M Cropper of Wynyard provided the following statement.

DETAILS

From my limited research it appears that the mis-naming on maps and plans of Ballast Pit/Fosters Road area occurred either from information supplied by Waratah-Wynyard Council or in a mapping office in Hobart.

It is my belief that the time, inconvenience and price for me to alter my address on at least 13 institutions is due to an error not of my making.

OFFICERS COMMENTS

Officers note that the historical details relating to the naming of Fosters Road were detailed in the Council reports at the September and October 2020 Council Meetings.

As part of the renaming process, Council send addressing notifications to:

- a. AEC – Australian Electoral Commission
- b. AUSTPOST – Australia Post
- c. DPIPWE – State Government (LIST)
- d. Housing TAS
- e. NBN Addressing
- f. Council Records
- g. Council Rates
- h. Tas Networks
- i. Telstra

All other address changes must be done by the residents.

5.5 PUBLIC STATEMENTS WITHOUT NOTICE

5.5.1 MR C HUTCHINSON - VARIOUS

Mr Hutchison of Preolenna made a statement which covered several points including:

- How will council continue to activate and involve young people in consultation to ensure their ideas for future of the area are heard.
- He noted concerns regarding privacy for families using the East Wynyard Playground if CCTV cameras are installed. He questioned who would have access, would it be constantly monitored and if the police would use the footage. He also asked what other areas are likely to have cameras installed, where would it stop.
- He stated that he did not believe the Settlement Strategy could be properly completed without the imminent new Local Provision Schedules. He asked when the community will get to see the proposed Local Provision Schedules and noted his disappointment that rural areas not considered in detail in Settlement Strategy.

5.5.2 MR J SAWARD - FOSTERS ROAD

Mr Saward read the following statement:

Renaming Fosters Road to Forsters Road.

I feel that the affected ratepayers have been unfairly & unjustly treated in this matter by Council in that:

- Not having the over whelming majority of respondent's views taken into consideration at the October 20 meeting.
- No consultation was undertaken when a councillor decided he was not happy with the September vote & decided to bring back to council. In fact, apart from the survey, there was no consultation from the council or councillors.
- Not informing us that the Council had voted a second time on this matter & changed the decision that we had viewed in the September Minutes. Council took 3 months to supply this information & only did so when Government had made the change.

The Issue has been overshadowed by the actions of this council.

I checked the Minutes of the September meeting & saw that the council had passed not to change the road name & presumed that that was it finished.

We, as ratepayers who elected the councillors, presumed that their interests were being looked after by them & have been sorely disappointed in finding that the old saying that "it is not what you know but who you know" seems to apply.

It appears to me that only one councillor has been pushing to have a second chance meeting on this issue & had a month to sway the other councillors.

Council has only been given one side of the story by Cr Fairbrother who is on the side of the Forster family, whom may or may not be rate payers, but do not live on this road & so are not affected by this change.

Cr Bramich in the October meeting said he was changing his mind due to the information supplied to him by Cr Fairbrother.

The affected rate payers were not given any notice of it being revisited & so no chance of making their views known to council. This has caused a lot of anguish to us.

Council documentation from the minutes of both the September & October meetings only shows that the Forsters lived on Ballast Pit Road. Cr Fairbrother attests that this is proof that the name was meant to be Forsters not Fosters but has shown no evidence of this.

There has been no evidence submitted to show that the Council & or an employee of that time made a mistake in the spelling. In the October meeting Cr Fairbrother states as fact that the Council made the mistake in spelling.

We as a group are incensed by Cr Fairbrother stating that we don't want to change our addresses "because we just don't". The council survey was yes or no. It said that we could add some reasoning if we wanted to, (I do not have the exact wording as it was returned) i.e. Not Compulsory. There was no indication that we would need to add reasoning to make our vote count. He has made us look like idiots because he intimates, we have no reasons for not wanting to change our addresses. He did not bother to contact the affected ratepayers to actually find out what their views were, so he could form an unbiased opinion on this matter. The council as a whole, appears to have based their second vote on his opinions.

In the October meeting he asks "what is the council for" and sprouts frilly words about council values, the right thing, the popular thing, the highest bar etc. He never once mentions looking out for the rate payers' interests, which is why we have elected the councillors. He obviously believes we don't matter & our views are not worthy.

I feel that Cr Fairbrother has broken the councils code of conduct on all four points of Part 1 – Decision Making & part 7 – Relationships with Community, Councillors & Council Employees. Point 1b & possibly c

It appears that Cr Fairbrother has managed to override a council decision & put it to a new meeting by giving his version to other councillors without allowing any other parties to know it was happening & submit any contrary information. In his speeches at both meetings, he did not supply any facts, other than the family lived in the area, but only flowery words on heritage, doing the right thing etc. He has used biased arguments to bring other councillors to his point of view, which appears to be based wholly on Facebook comments & one family's grievances.

The council's own documentation from both meetings only proves that the Forster family lived on Ballast Pit Road. They have supplied no facts that it was ever meant to be named or ever was named Forsters road.

To my understanding the survey had 8 respondents out of 16 which is a 50% response rate.

Of the respondents 6 were in favour of leaving the name as Fosters which is 75% of respondents.

Cr Bramich proclaimed in the October meeting that he presumed the 8 non respondents "did not care". I do not think that this is a fair assumption as there may be many reasons for not returning. As an example, we tried 3 times to access the survey online using the address supplied & it kept saying the page did not exist, which is a fault with the address supplied or with the council site. As such I hope that he or any other councillors did not take this to mean that the 8 non respondents were to be taken in favour of changing the name.

To me 75% rate for no change is an overwhelming amount.

I have included some pages of the Tasmanian Place Naming Guideline, March 2019, with this statement. In the interest of keeping this to a shorter time, I will not read out what I think are the relevant points, but, among others, bring to your attention:

- Section 3 General Principals - Item 3.3
- Section 7 Naming Streets & roads – Item 7.13

I would say from what I have seen that the Council has not met the guidelines.

Cr Fairbrother said that the family of Tom Forster is "disgruntled".

The Council now has a minimum of 10 ratepayers & their families who are VERY DISGRUNTLED, mainly due to the way we feel we have been treated by the council.

If I am incorrect in some of these points, I apologise, but can only go on what I have found, because no one has been willing to talk to us. I can only assume it is alright to talk to a disgruntled family but not affected ratepayers. God help us all.

John Saward



6.0 PETITIONS / DEPUTATIONS / PRESENTATIONS

6.1 DEPUTATIONS AND PRESENTATIONS

6.1.1 SEALING OF ROBIN HILL ROAD

BACKGROUND

Council have received a petition requesting Council consider the sealing of Robin Hill Road in the next Council budget.

The petitioners state “that Council consider an inclusion of the sealing of Robin Hill Road in the next Council Budget as we believe that many tourists miss three worthy tourism experiences because of the condition of the road and these businesses also miss out on possible additional revenue (Lobster Haven, Robin Hill Nursery and the Cherry Farm)”

A copy of the petition is attached and listed on the meeting agenda for receipt and noting.

MANAGEMENT RESPONSE

Section 57 of the *Local Government Act 1993* outlines requirements relating to petitions and is outlined below.

This petition was provided in hard copy to the General Manager on Monday 8 February 2021 and is listed for noting in accordance with section 58 (2) of the *Local Government Act 1993*.

312 signatories have signed the petition.

The matter will be listed for discussion as part of Council’s budget deliberations.

MOVED BY	CR BRAMICH
SECONDED BY	CR FAIRBROTHER

That Council receive and note the petition regarding the sealing of Robin Hill Road.

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

7.0 PLANNING AUTHORITY ITEMS

PLANNING AUTHORITY OPENED AT 6.27PM

7.1 PUBLIC QUESTIONS WITHOUT NOTICE – RELATING TO PLANNING MATTERS





Nil received.

7.2 PUBLIC STATEMENTS - RELATING TO PLANNING MATTERS

Nil received.

7.3 DWELLING, CARAVAN (TEMPORARY DWELLING), SHIPPING CONTAINER & WATER TANKS (STAGED DEVELOPMENT), AT 50 TIPPETTS ROAD MOUNTS HICKS- DA143/2020

To: Council
Reporting Officer: Town Planner
Responsible Officer: Manager Development and Regulatory Services
Report Date: 15 January 2021
File Reference: 1985104

Supporting Documents: 1. Proposal Documentation 
2. Representation 1 
3. Representation 2 
4. Extension of time 

PURPOSE

The purpose of this report is for Council to consider the merits of the application DA143/2020 against the requirements of the *Waratah-Wynyard Interim Planning Scheme 2013* (Planning Scheme).

BACKGROUND

The subject site consists of one title identified as 50 Tippetts Road, Mount Hicks (CT 1/133988) and comprises a total area of 0.6ha. The site is a small lot and is dissected with a watercourse through the centre of the site, splitting it in half. The northern portion of the site falls to the south, whilst the southern portion of the site falls to the north. The northern half of the site is also mapped as medium risk landslip hazard under the planning scheme.

Currently the title contains an on-site AWTS system, completed and previously approved with a small bathroom/amenities building, also approved under a previous permit. Further to this the site currently has a shipping container located on the northern boundary and a caravan which is being occupied on a full-time basis. A number of enquiries and concerns had been raised with Council in relation to the caravan, shipping container and various associated residential items appearing on site.

The site is accessed by an existing crossover formed from Tippetts Road at the north of the site.

The site is located within the Rural Living Zone, as are all adjoining lots.

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

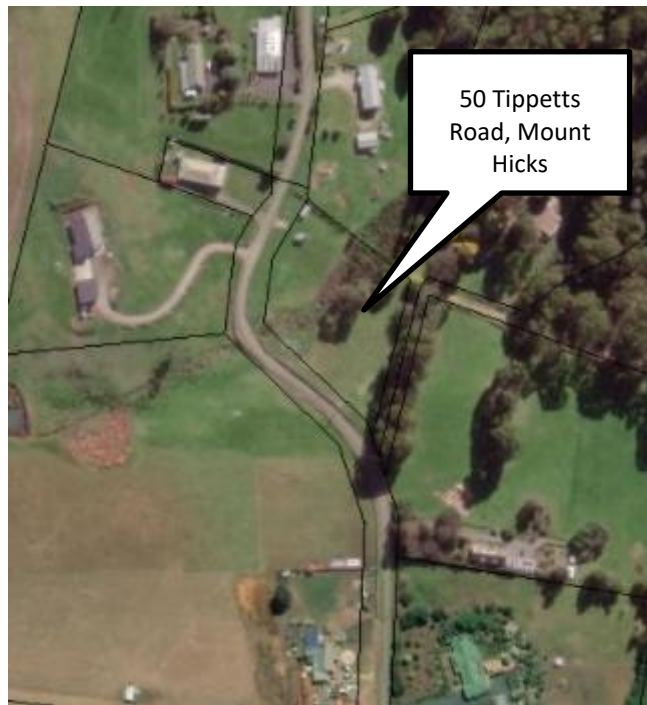


Figure 1: Subject Site – Sourced: TheList Map

Council issued a Building Notice and Order on the landowner in April 2020. This development application is the first step in achieving compliance and resolving the Building Order.

DETAILS

The applicant is seeking approval for a shipping container to be used as a residential storage shed, a small dwelling will be extended from the existing bathroom building, associated water storage and the caravan currently on-site is to be used as a temporary dwelling and removed on completion of the principal dwelling.

The proposed shipping container measures 6m in length x 2.4m wide and 2.4m high. The container is located in the northern corner of the site and is setback 2.4m from the side boundary and 1.5m from the frontage boundary. The drawing set annotated that should the container or surfaces have a reflectivity level of more than 40% they will be painted in a woodland grey colour. This will form a condition on any permit.

The proposed dwelling is to extend from the existing amenities block and details an extension measuring 6m x 6m and will have a setback of 3m from the frontage and 12.48m from the north-eastern side boundary. The new dwelling is a one-bedroom cabin style property, single storey in height with a gable roof and a verandah on the eastern elevation.

The existing caravan will be located to the west of the existing amenities block located approximately 1.8m from the road frontage at the eastern boundary. The caravan will serve as a temporary dwelling until such time as the principal dwelling is completed. The caravan will then be removed from site.

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

The subject property is zoned Rural Living under the Planning Scheme. The proposal is defined as a Residential Use Class. This is a Permitted use within the zone, should the application meet all the relevant Acceptable Solutions. The applicant is applying for discretion under the following clauses: -

- Suitability of a site or lot for use or development 13.4.1 (P1);
- Dwelling Density 13.4.2 (P1);
- Location and configuration of development 13.4.3 (P1, P2); and
- Use likely to be exposed to a natural hazard E6.5.2 (P1).

CONSULTATION PROCESS

The consultation process was the public exhibition period set out in *the Land Use Planning and Approvals Act 1993* (LUPAA) and involved notification of adjoining landowners, public notices on-site and advertising in a daily newspaper. The application was placed on public exhibition for a period of 14 days as required under LUPAA. The period for representations closed on 11 January 2021. Two (2) representations have been received.

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.

Representations:

Mr and Mrs Schumann

Issues raised:	Response:
The objectors acknowledge that the acceptable setback is 10m and object to the proposed 2.4m setback of the container from their shared boundary fence.	The proposed application is seeking discretion to the acceptable solution setback of 10m and therefore is assessed against the performance criteria to relax the boundary setback. For a full assessment of this clause please see planning assessment at clause 13.4.3 P2.
Concerns the shipping container will set a precedent for other structure to be this close to the boundary also an eye sore when viewed from our property.	Each application must be assessed on its own merits against the planning scheme. Currently there is a pathway to apply for a relaxed setback to side and frontage boundaries. The planning scheme does not take into consideration or define an eye sore.
Per the covenants on lot 1 section 6 should have a minimum of 180 squares of liveable space, as per the application will be nowhere near this size.	Unfortunately, covenants are not a matter for consideration under the <i>Waratah-Wynyard Interim Planning Scheme 2013</i> . However, covenant matters can be followed up with a solicitor. Please note these can also be applied to be removed under the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> .
Concerns regarding the lack of fire tanks on the plans, we all need one how is it this property is going	Fire requirements such as tanks for Bushfire purposes are not a requirement under the planning scheme, these are instead assessed at the building and/or plumbing permit stage under the <i>Building Act 2016</i> .

to be exempt from this requirement?	
Concerned the application is a smoke screen and a half-hearted attempt to stay in squalid conditions that applicant currently lives in. What about the rest of the rate paying residents who have had to wait 12 months for the first formal attempt at a planning application?	Council must balance a commitment to customer service with the responsibility to ensure that the compliance process is carried out appropriately. Unfortunately, this process can take some time, particularly when a site has topographical constraints which require addressing as part of any application. Council has a head of power under various Acts to ensure compliance.

Mr T Dick

Issues raised:	Response:
This saga has gone on for 18 months and is an insult to the intelligence of the residents in Tippetts Lane. It is an attempt to legitimise the current unsanitary and unsightly living arrangements at the site.	Achieving a compliant planning outcome involves working with the landowner and sometime various consultants to ensure each report and drawing is reflecting the intention of what is proposed on the site. This can take some time to work through. It is not uncommon for applicants to apply for a temporary dwelling in the form of a caravan until such time as a dwelling is completed. This particular dwelling is modest in size and uses the existing amenities block that is currently on-site with the supporting AWTs. This amenities block will continue to be used for the caravan (temporary dwelling).
The resident is squatting in a non-approved noncomplying dwelling for over 18 months in contravention to Council's planning guidelines and there is no mandated completion date.	The landowner has had a Building Order served on them and must comply with this order. Should the order not be complied with, further action will be taken by Council. The first step in undertaking this is obtaining a planning permit. Planning permits have a 2-year time frame in which they must be substantially commenced.
Reduces the amenity of the area and surrounding properties.	The planning scheme does not provide design guidelines dictating the appearance, design, or materials that can be applied for in this zone.
Strong objection to the road setback on this property, as we run an agricultural enterprise at the end of Tippetts Lane and the encroachment onto the road reserve creates significant issues for traffic management in and out.	The subject application has similar setback distances to the road reserve along Tippetts Road as many other properties along Tippetts Road. Similar setbacks are seen at 53 Tippetts Road, 54 Tippetts Road and 80 Tippetts Road. The site is located in the Rural Living Zone which gives preference to residential development, not necessarily cartage for an agricultural enterprise.

The road infrastructure is barely adequate for the amount of dwellings on the road now.	The road infrastructure is considered adequate for the number of lots, the speed in which the local traffic is travelling, and the nature of the development proposed in the area.
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INTERNAL REFERRALS

Engineering Services Department

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

- (1) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the developer.
- (2) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
- (3) Loading and unloading of vehicles is to be confined to within the boundaries of the property.
- (4) Stormwater from the development is to be fully contained within the boundaries of the property.

Note:

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

Environmental Health

The following environmental health condition and note was recommended.

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

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

EXTERNAL REFERRALS

The application was not required to be referred to any external referral agencies as part of the assessment.

PLANNING ASSESSMENT

The subject site is zoned Rural Living under the *Waratah-Wynyard Interim Planning Scheme 2013*. The use is a Residential Use which is a Permitted use within the zone, should the application meet all the relevant acceptable solutions of the planning scheme. The proposal does not meet all relevant acceptable solutions of the planning scheme and is therefore submitted as a discretionary application under Section 57 of LUPAA and assessed under the *Waratah-Wynyard Interim Planning Scheme 2013* and relevant State Policies and Acts. Section 57(1) (b) of LUPAA allows Council to relax or waive the provisions of its Planning Scheme under a discretionary status.

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

13.4.1 Suitability of a site or lot for use or development

<p>A1</p> <p>Each site or each lot on a plan of subdivision must –</p> <ul style="list-style-type: none">(a) have an area of not less than –<ul style="list-style-type: none">(i) 1.0 ha excluding any access strip; or(ii) if in a locality shown in the Table to this Clause, not less than the site area shown for that locality; and(b) if intended for a building, contain a building area –<ul style="list-style-type: none">(i) of not more than 1,000m²;(ii) clear of any applicable setback from a frontage, side or rear boundary(iii) clear of any applicable setback from a zone boundary;(iv) clear of any registered easement;(v) clear of any registered right of way benefiting other land;(vi) clear of any restriction imposed by a utility;(vii) not including any access strip;(viii) clear of any area required for the on-site disposal of sewage or stormwater; and(ix) accessible from a frontage or access strip	<p>P1</p> <p>A site or each lot on a plan of subdivision must –</p> <ul style="list-style-type: none">(a) if intended for residential use be of sufficient size to be consistent with clauses 13.1.1, 13.1.2 and 13.1.3 having regard to –<ul style="list-style-type: none">(i) the number, size and distribution of existing and approved lots on land in the vicinity;(ii) the pattern, intensity and character of established use and development on other lots in the vicinity;(iii) the capacity of any available or planned utilities; and(iv) capability of the land to accommodate residential use; and(b) be of sufficient size for the intended use having regard to the effect of one or more of the following as are relevant to the size of a site or lot –<ul style="list-style-type: none">(i) topography of the land and land in the vicinity;(ii) natural drainage of the land and land in the vicinity;(iii) the desirability of protecting native vegetation, landscape features, natural and cultural values;(iv) provision for management of exposure to natural hazards;(v) provision of an accessible building area;(vi) compliance to the acceptable solution criteria in any applicable standard for location and separation of a building;
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	<ul style="list-style-type: none"> (vii) arrangements for the convenient provision of roads and access to the land; (viii) arrangements for the provision of a water supply and for the drainage and disposal of sewage and stormwater; (ix) any restriction or requirement of a lawful easement or statutory interest in the land; and (x) opportunity for solar access to a building area.
<p>Planning Comment: Complies</p> <p>The subject site is less than 1ha and therefore is unable to meet the acceptable solution. The application therefore must address the performance criteria.</p> <p>The lot size is considered consistent with the scattered small-scale residential style development typical along Tippetts Road. Other lots in the area that have been developed with a dwelling on a lot smaller than 1ha include 49 Tippetts Road and 542 Seabrook Road. The majority of properties located along Tippetts Road are zoned Rural Living and intended for residential use on varying sized, existing lots. This proposal will not change the number or distribution of the lots or land in the vicinity.</p> <p>The site is considered to be a sufficient size for the modest scale intended residential use proposed for the 0.6ha site. A supporting hazard management report and updated conformation letter was provided as part of the application indicating the site had sufficient area for the existing on-site wastewater system and the proposed new dwelling. The proposal is using the existing utility infrastructure available on-site, the proposal will not increase the capacity of any further utilities in Tippetts Road. The proposal has indicated the site can support the proposed development.</p> <p>The zone purpose statements under 13.1.1 state “... <i>provide for residential use or development on large lots in a rural setting where services are limited...</i> and ...<i>provide for compatible use and development that does not adversely impact on residential amenity.</i>” It is considered the proposal will remain consistent with the zone purpose statements as the site will continue to operate for a residential purpose where services are limited.</p> <p>The proposal is considered consistent with the local area objectives at 13.1.2 as the type, scale and intensity of use or development is consistent with the capacity of infrastructure services, land capability, and the level of risk from exposure to natural hazards on the site and continues to be a rural setting providing for housing in single or multiple dwellings.</p> <p>The proposal remains consistent with the desired future character statements at 13.1.3 and provides choice and diversity in the type and form of buildings for housing and non-housing development. The lot will have a low site coverage and the lot size will continue to be larger than that of suburban lots.</p>	

The proposal is considered to comply with P1 (a).

The site currently has little native vegetation cover as it has previously been cleared as have many of the neighbouring lots. The only vegetation remaining on-site is limited to the creek. No further clearing or changes are proposed as part of the application.

The proposal provided a Hazard Management Report supporting the application as portions of the site are identified by the Hazard Management Code as having a medium hazard landslip. The supporting report and updated covering letter provided by GeoTon Pty Ltd with reference number GL15252Bd, confirmed that the proposed new drawing set continues to conform with the recommendations of prior reports and no further recommendations are required.

Given the site's characteristics, including topography sloping to a creek dissecting the property, landslip hazard overlays, an existing on-site system and the minimal lot size (less than 1ha), the proposed development has applied for buildings in an accessible building area.

The site has an existing convenient access located at the north of the site from Tippetts Road, where the fencing tapers to the boundary.

The subject site is able to provide for a provision of a water supply by catching its own water, as do the adjoining properties in Tippetts Road. The proposal has existing arrangements for sewage from an AWTs and existing disposal area located to the east of the on-site AWT tank. The applicant also provided a consultant's report providing details of the appropriate arrangements have been made for the on-site system for the proposed development.

The site currently has a powerline easement burdening it on the southern portion of the site. However, this easement does not affect the northern half of the site where the development is proposed.

The current lot allows for sufficient opportunity for solar access to the building area and proposed new development.

The proposal complies with the performance criteria.

13.4.2 Dwelling Density

<p>A1</p> <p>The site area per dwelling must –</p> <p>(a) be not less than 1.0 ha; or</p> <p>(b) if the site is in a locality shown in the Table to this Clause, the site area for that locality</p>	<p>P1</p> <p>The number of dwellings on a lot or site must be consistent with:</p> <p>(a) clauses 13.1.1, 13.1.2 and 13.1.3 having regard to –</p> <p>(i) the size of any existing or approved lot or site on land in the vicinity; and</p> <p>(ii) the pattern, intensity and character of established use and development on other lots in the vicinity; and</p>
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	<p>(b) the capability of the land for residential use having regard to the effect of one or more of the following as are relevant to the size of a site or lot –</p> <p>(i) topography;</p> <p>(ii) natural drainage;</p> <p>(iii) the desirability of protecting native vegetation, landscape features, natural and cultural values;</p> <p>(iv) provision for management of exposure to natural hazards;</p> <p>(v) provision for access to the building area;</p> <p>(vi) compliance to the acceptable solution criteria in any applicable standard for location and separation of a building in relation to a frontage, side or rear boundary or zone boundary and from adjacent buildings;</p> <p>(vii) arrangements for the convenient provision of roads and access to the land;</p> <p>(viii) arrangements for the provision of a water supply and for the drainage and disposal of sewage and stormwater;</p> <p>(ix) any restriction or requirement of a lawful easement or statutory interest in the land; and</p> <p>(x) opportunity for solar access to each building.</p>
<p>Planning Comments: Complies</p> <p>The subject site is less than 1ha and therefore is unable to meet the acceptable solution. The application therefore must address the performance criteria.</p> <p>The lot size is considered consistent with the scattered small-scale residential style development typical along Tippetts Road. Other lots in the area that have been developed with a dwelling within an area less than 1ha include 49 Tippetts Road and 542 Seabrook Road. The majority of properties located along Tippetts Road are zoned Rural Living and intended for residential use on varying sized, existing lots. This proposal will not change the number or distribution of the lots or land in the vicinity.</p>	

The site is considered to be a sufficient size for the modest scale intended residential use. A supporting hazard management report and updated conformation letter was provided as part of the application indicating the site had sufficient area for the existing on-site system and the proposed new dwelling. The proposal is using the existing utility infrastructure available on-site, the proposal will not increase the capacity of any further utilities in Tippetts Road. The proposal has indicated the site can support the proposed development.

The zone purpose statements under 13.1.1 state “... *provide for residential use or development on large lots in a rural setting where services are limited... and ...provide for compatible use and development that does not adversely impact on residential amenity.*” It is considered the proposal will remain consistent with the zone purpose statements as the site will continue to operate for a residential purpose where services are limited.

The proposal is considered consistent with the local area objectives at 13.1.2 as the type, scale and intensity of use or development is consistent with the capacity of infrastructure services, land capability, and the level of risk from exposure to natural hazards on the site and continues to be a rural setting providing for housing in single or multiple dwellings.

The proposal remains consistent with the desired future character statements at 13.1.3 and provides choice and diversity in the type and form of buildings for housing and non-housing development. The lot will have a low site coverage and the lot size will continue to be larger than that of suburban lots.

The proposal is considered to comply with P1 (a).

The site currently has little native vegetation cover as it has previously been cleared, as have many of the neighbouring lots. The only vegetation remaining on-site is limited to the creek. No further clearing or changes are proposed as part of the application.

The proposal provided a Hazard Management Report supporting the application as portions of the site are identified by the Hazard Management Code as having a medium hazard landslip. The supporting report and updated covering letter provided by GeoTon Pty Ltd with reference number GL15252Bd, confirmed that the proposed new drawing set continues to conform with the recommendations of prior reports and no further recommendations are required.

Given the site’s characteristics, including topography sloping to a creek dissecting the property, landslip hazard overlays, an existing on-site system and the minimal lot size (less than 1ha), the proposed development has applied for buildings in an accessible building area.

The site has an existing convenient access located at the north of the site from Tippetts Road, where the fencing tapers to the boundary.

The subject site is able to provide for the provision of a water supply by catching its own water, as do the adjoining properties in Tippetts Road. The proposal has existing arrangements for sewage from an AWTs and existing disposal area located to the east of the on-site AWT tank. The applicant also provided a consultant’s report advising that appropriate arrangements have been made for the on-site system for the proposed development.

The site currently has a powerline easement burdening it on the southern portion of the site. However, this easement does not affect the northern half of the site where the development is proposed.

The current lot allows for sufficient opportunity for solar access to the building area and proposed new development. The proposal complies with P1 (b).

The proposal complies with the performance criteria.

13.4.3 Location and configuration of development

<p>A1</p> <p>A building, utility structure, garage or carport must be setback from a frontage –</p> <p>(a) not less than 20.0m;</p> <p>(b) not less than or not more than the setbacks for any existing building on each of the immediate adjoining sites;</p> <p>(c) not less than for any building retained on the site;</p> <p>(d) in accordance with any building area shown on a sealed plan of subdivision; or</p> <p>(e) if the site abuts a road shown in the Table to this clause, the setback specified for that road</p>	<p>P1</p> <p>The setback of a building, utility structure or carport from a frontage must be –</p> <p>(a) consistent with the rural setting and streetscape; and</p> <p>(b) required by a constraint imposed by –</p> <p>(i) size and shape of the site;</p> <p>(ii) orientation and topography of land;</p> <p>(iii) arrangements for a water supply and for the drainage and disposal of sewage and stormwater;</p> <p>(iv) arrangements for vehicular or pedestrian access;</p> <p>(v) any requirement of a conservation or urban design outcome detailed in a provision in this planning scheme;</p> <p>(vi) a utility; or</p> <p>(vii) any lawful and binding requirement –</p> <p>a. by the State or a council or by an entity owned or regulated by the State or a council to acquire or occupy part of the site; or</p> <p>b. an interest protected at law by an easement or other regulation</p>
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Planning Comments: Complies

The proposed shipping container is proposed to be located 1.5m from the frontage (western boundary) and 2.4m from the northern side boundary.

The proposed residence is to be 3m from the frontage and 12.48m from the northern side boundary, whilst the caravan will be located 1.8m from the frontage, whilst being used as a temporary dwelling.

The proposed container, dwelling and caravan in relation to site boundaries is considered consistent with the rural setting and streetscape of Tippetts Road. Other examples of dwellings that are located within the frontage boundary setbacks in the area are located at 53 Tippetts Road, 68 Tippetts Road and 19 Tippetts Road. It is considered the location of the proposed new dwelling, container and caravan are not dissimilar to the range of setbacks currently viewed in the Tippetts Road streetscape and the rural setting in this area. Additionally, the reduced setback is ameliorated by the width of the road reserve in front of the properties, providing a buffer of between 7.5m up to 13m from the front boundary to the edge of Tippetts Road. It creates a perception of a larger setback, thus minimising any perceived encroachment caused by the reduced frontage setback.

The proposed dwelling responds to the effect of the sloping topography of the site, siting the extension in accordance with recommendations from the original hazard management report, using the existing on-site AWTs system and maintaining as much distance as possible to the watercourse that dissects the property (approximately 40m). By locating the dwelling alongside the northern elevation of the existing amenities block, built portions will be in a consolidated location which will assist with attenuating the impact on adjacent land. The proposed container is located at the northern portion of the site to remain away from the watercourse and allow for practical access from the dwelling.

The proposal complies with the performance criteria.

<p>A2</p> <p>All buildings must be contained within a building envelope determined by –</p> <ul style="list-style-type: none"> (a) the applicable frontage setback; (b) a setback of not less than 10.0m from each side boundary; (c) a setback of not less than 10.0m from the rear boundary; (d) a setback of not less than 20.0m from any designated building area on each adjacent site; or (e) any building area shown on a sealed plan; and (f) building height of not more than 8.5m 	<p>P2</p> <p>Building height and location of a building in relation to site boundaries must –</p> <ul style="list-style-type: none"> (a) minimise likelihood for overshadowing of a habitable room in an adjacent dwelling on the site; (b) take account of the relationship between appearance and design characteristics of the buildings and any buildings on adjacent land; (c) minimise the apparent scale, bulk, massing and proportion relative to any adjacent building; (d) be consistent with the rural setting and the streetscape; (e) respond to the effect of the slope and orientation of the site to attenuate impact on adjacent land
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Planning Comments: Complies

The proposed shipping container is proposed to be located 1.5m from the frontage (western boundary) and 2.4m from the northern side boundary.

The proposed residence is to be 3m from the frontage and 12.48m from the northern side boundary, whilst the caravan will be located 1.8m from the frontage, whilst being used as a temporary dwelling. The application therefore must address the performance criteria due to the frontage setback for all proposed development and the side setback for the container.

The applicant provided a sun shadow study supporting the application. This detailed the shadow cast by the proposed residence on the shortest day of the year being maintained within the title boundary.

The proposed shipping container is also single storey in height reaching a maximum of 2.4m and has a separation of approximately 5m from the proposed dwelling. The short elevation is facing the proposed dwelling, therefore shadow cast from the shipping container is considered to be kept to a minimum and will be predominantly maintained within the title boundary, with morning shadows potentially spilling into the edge of the road reserve. The habitable room of the dwelling has windows on the eastern and western elevations.

The proposed caravan as a temporary dwelling is located to the west of the site and therefore can make use of the existing amenity block while the dwelling is being built. This location will not overshadow a habitable room in an adjacent dwelling on the site.

The size and siting of the proposal responds to the minimal lot size with a watercourse, some existing infrastructure (AWTS), the topography, an easement through the site and the landslip hazard assessment recommendations. The proposal for the one-bedroom dwelling has continued to remain single storey in height and has proposed a gable roof as do neighbouring dwellings in Tippetts Road. The proposal details a small verandah facing the east, away from any neighbouring lots.

The proposed container minimises the apparent scale, bulk, massing and proportion relative to the adjacent property at the north by orientating the container with the shortest elevation facing the shared side boundary. The container is single storey in height measuring a maximum of 2.4m. The bulk and massing of the container is not dissimilar to outbuildings located alongside dwellings found on both Tippetts Road and Seabrook Road. The proposed dwelling is modest in size and will extend to the north of the existing amenity block. The scale, bulk and massing of the dwelling is kept to a minimum as a single storey, one-bedroom dwelling with a gable roof.

The proposed building heights and locations of the container, dwelling and caravan in relation to site boundaries is considered to remain consistent with the rural setting and streetscape of Tippetts Road. Buildings used for residential storage such as outbuildings are located on side boundaries at 28 Tippetts Road, 49 Tippetts Road, 578 Seabrook Road, and 538 Seabrook Road. Examples of dwellings that are located within the frontage boundary setbacks are at 53 Tippetts Road, 68 Tippetts Road and 19 Tippetts Road. It is considered the location of the proposed new dwelling, container and caravan are not dissimilar to the range of setbacks currently viewed in the Tippetts Road streetscape and the rural setting in this area.

The proposed dwelling responds to the effect of the sloping topography of the site, siting the extension in accordance with recommendations from the original hazard management

report, using the existing on-site AWTs system and maintaining as much distance as possible to the watercourse that dissects the property (approximately 40m). By locating the dwelling alongside the northern elevation of the existing amenities block, built portions will be in a consolidated location which will assist with attenuating the impact on adjacent land. The proposed container is located at the northern extent of the site to remain away from the watercourse and allow for practical access from the dwelling.

The proposal complies with the performance criteria.

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

<p>A1</p> <p>If a use is on land within an area of risk from exposure to a natural hazard as shown on a map forming part of this planning scheme -</p> <ul style="list-style-type: none"> (a) use must not be for a critical use, a hazardous use, or a vulnerable use; (b) use must not be residential use if the level of risk is medium or higher; and (c) a hazard risk assessment must demonstrate a tolerable level of risk can be achieved and maintained for the nature and duration of the use 	<p>P1</p> <p>If use is on land within an area of risk from exposure to a natural hazard as shown on a map forming part of this planning scheme -</p> <ul style="list-style-type: none"> (a) a hazard risk assessment must demonstrate a tolerable level of risk can be achieved and maintained for the nature and duration of the use; and (b) if a critical use, a hazardous use, or a vulnerable use, a cost-benefit analysis in economic, environmental, and social terms must establish there is a significant benefit to the community and there is no alternate site
<p>Planning Comments: Complies</p> <p>The proposed development for a residential dwelling, temporary dwelling in the form of a caravan and associated work, is all located on an area mapped as medium risk landslip hazard band and therefore the proposal must address the performance criteria.</p> <p>A hazard risk assessment was provided with the application stating that a tolerable level of risk can be achieved and maintained for the nature and duration of the use. This particular hazard risk assessment was dated and initially based on a slightly different arrangement on-site, however the consultant provided a further supporting statement confirming the proposed application does not change the comments or recommendations of the report and confirms it remains accurate.</p> <p>The proposal is not a critical use, hazardous use or a vulnerable use and therefore there is no requirement for a cost benefit analysis to be undertaken.</p> <p>The proposal is considered to comply with the performance criteria.</p>	

STATUTORY IMPLICATIONS

Land Use Planning and Approvals Act 1993

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

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

STRATEGIC IMPLICATIONS

There are no significant strategic implications identified as part of this report. Policy Implications

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

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

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

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

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

COMMENT

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

It is considered that the proposed dwelling, caravan as a temporary dwelling, shipping container and water tank as a staged development comply with either the acceptable solution or satisfy the performance criteria for all applicable standards of the Planning Scheme. The proposal makes appropriate use of a minimal lot size, with mapped medium landslip hazard, sloping topography, a watercourse, power easement and existing on-site AWTS system. The proposal demonstrates there is sufficient area on-site to service the modest scale dwelling and proposed container. Overshadowing will not be a concern of

neighbouring lots and bulk, size and proportions of the proposal will not impact adjoining properties.

The application is considered to comply with the Rural Living Zone provisions, the Hazard Management Code provisions and all other provisions for the *Waratah-Wynyard Interim Planning Scheme 2013*. It is therefore recommended that Council approve a planning permit for the proposed dwelling, container and caravan as a temporary dwelling.

MOVED BY	CR EDWARDS
SECONDED BY	CR COURTNEY

That Council, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Waratah-Wynyard Interim Planning Scheme 2013*, approve a dwelling, caravan (temporary dwelling), shipping container and water tanks (staged development) at 50 Tippetts Road, Mount Hicks subject to the following conditions:-

CONDITIONS:

- (1) The development is to be generally in accordance with the application as submitted and endorsed documents as listed:**
 - a) Proposal Plans with Project Number 20081, pages 1 -11, as prepared by Abel Drafting Services Pty Ltd and dated 28 September 2020.**
 - b) Geotechnical investigation report as prepared by Matthew Street of GeoTon Pty Ltd with Reference number GL15252Ab dated 1 October 2015.**
 - c) Geotechnical Report as prepared by Matthew Street of GeoTon Pty Ltd with Reference number GL15252Bc, dated 28 September 2016.**
 - d) Geotechnical Review confirmation as prepared by Tony Barriera of GeoTon Pty Ltd, dated 29 March 2019.**
- (2) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.**
- (3) Loading and un-loading of vehicles is to be confined to within the boundaries of the property.**
- (4) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the developer.**
- (5) 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.**
- (6) Stormwater from the proposed development is to be fully contained within the boundaries of the property.**
- (7) 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.**

(8) All exterior cladding and finishes are to have a light reflectance value of less than 40%, where the existing container may be beyond 40%, the surfaces are to be repainted and maintained.

(9) *The use of the existing shed for temporary residential accommodation shall cease prior to the occupation of the proposed dwelling or within two years of the date of this permit, whichever is the lessor. Confirmation of cessation shall be supplied to Council within fourteen (14) days of the issuing of an occupancy permit for the approved dwelling or removal of the temporary dwelling.*

Notes: -

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

- An “Activity in Road Reservation” permit must be obtained from Council for all activity within the Road Reservation.
- This project must be substantially commenced within two years of the issue of this permit.
- The applicant is advised to consult with a building surveyor to ensure the development is constructed in accordance with *Building Act 2016*.
- This permit is based on information and particulars set out in Development Application DA 143/2020. Any variation requires an application for further planning approval of Council.
- This development/use is not to result in the generation of environmental harm or nuisance as defined in the *Environmental Management and Pollution Control Act 1994*.
- Attention is drawn to existing or proposed electricity infrastructure, please be sure to contact TasNetworks on 1300 137 008 to ensure these works do not impede on existing electricity easements and are at a safe distance from powerlines. Failure to do so could result in the relocation of electricity assets at your cost.
- Please contact Australia Post for correct letterbox placement guidelines.
- Under Section 61 (4) of the *Land Use Planning and Approvals Act 1993*, the applicant has the right to lodge an appeal against Council’s decision. Notice of appeal should be lodged on the prescribed form together with the required fee within fourteen days after the date on which notice of the decision was served on that person, to the Resource Management and Planning Appeal Tribunal, G.P.O. Box 2036, Hobart, 7001. Updated Notices of Appeal are available on the Tribunal’s website at www.rmpat.tas.gov.au.

The MOTION was put and was LOST.

IN FAVOUR

MAYOR WALSH			
	CR EDWARDS		CR HYLAND

AGAINST

	CR BRADLEY	CR BRAMICH	CR COURTNEY
		CR FAIRBROTHER	

MOVED BY	CR FAIRBROTHER
SECONDED BY	CR COURTNEY

That Council, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Waratah-Wynyard Interim Planning Scheme 2013*, approve a dwelling, caravan (temporary dwelling), shipping container and water tanks (staged development) at 50 Tippetts Road, Mount Hicks subject to the following conditions:-

CONDITIONS:

- (1) The development is to be generally in accordance with the application as submitted and endorsed documents as listed:
 - a) Proposal Plans with Project Number 20081, pages 1 -11, as prepared by Abel Drafting Services Pty Ltd and dated 28 September 2020.
 - b) Geotechnical investigation report as prepared by Matthew Street of GeoTon Pty Ltd with Reference number GL15252Ab dated 1 October 2015.
 - c) Geotechnical Report as prepared by Matthew Street of GeoTon Pty Ltd with Reference number GL15252Bc, dated 28 September 2016.
 - d) Geotechnical Review confirmation as prepared by Tony Barriera of GeoTon Pty Ltd, dated 29 March 2019.
- (2) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
- (3) Loading and un-loading of vehicles is to be confined to within the boundaries of the property.
- (4) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the developer.
- (5) 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.
- (6) Stormwater from the proposed development is to be fully contained within the boundaries of the property.
- (7) 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.
- (8) All exterior cladding and finishes are to have a light reflectance value of less than 40%, where the existing container may be beyond 40%, the surfaces are to be repainted and maintained.
- (9) The use of the existing shed for temporary residential accommodation shall cease prior to the occupation of the proposed dwelling. Confirmation to this effect shall be supplied to

Council within fourteen (14) days of the issuing of an occupancy permit for the approved dwelling.

Notes: -

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

- An “Activity in Road Reservation” permit must be obtained from Council for all activity within the Road Reservation.
- This project must be substantially commenced within two years of the issue of this permit.
- The applicant is advised to consult with a building surveyor to ensure the development is constructed in accordance with *Building Act 2016*.
- This permit is based on information and particulars set out in Development Application DA 143/2020. Any variation requires an application for further planning approval of Council.
- This development/use is not to result in the generation of environmental harm or nuisance as defined in the *Environmental Management and Pollution Control Act 1994*.
- Attention is drawn to existing or proposed electricity infrastructure, please be sure to contact TasNetworks on 1300 137 008 to ensure these works do not impede on existing electricity easements and are at a safe distance from powerlines. Failure to do so could result in the relocation of electricity assets at your cost.
- Please contact Australia Post for correct letterbox placement guidelines.
- Under Section 61 (4) of the *Land Use Planning and Approvals Act 1993*, the applicant has the right to lodge an appeal against Council’s decision. Notice of appeal should be lodged on the prescribed form together with the required fee within fourteen days after the date on which notice of the decision was served on that person, to the Resource Management and Planning Appeal Tribunal, G.P.O. Box 2036, Hobart, 7001. Updated Notices of Appeal are available on the Tribunal’s website at www.rmpat.tas.gov.au

The MOTION was put and was CARRIED.







IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

7.4 SUBDIVISION (CONSOLIDATE 5 TITLES INTO 1)

To: Council
Reporting Officer: Town Planner
Responsible Officer: Manager Development and Regulatory Services
Report Date: 1 February 2021
File Reference: 6997913,6997833

Supporting Documents:

1. Proposal Documentation 
2. Representation 
3. TasWater Info Request 
4. TasWater Info Response 
5. TasWater Conditions 
6. Signed Extension of Time 

PURPOSE

The purpose of this report is for Council to consider the merits of the application SD1970 against the requirements of the *Waratah-Wynyard Interim Planning Scheme 2013* (Planning Scheme).

BACKGROUND

The subject site is located at 11 Little Quiggin Street, Waratah and currently comprises of five (5) titles. All titles are located within the Village Zone of the *Waratah-Wynyard Interim Planning Scheme 2013*. The applicant currently has charges on all five (5) titles.

The site is accessed via a constructed crossover from Little Quiggin Street, four of the five titles have an unformed Crown road reserve located at the north. However, no access license has been submitted as part of the application, therefore it is assumed that no legal access is currently in place for these lots without relying on 11 Little Quiggin Street, Waratah. Lots to the east and west are currently developed with residential dwellings and associated residential outbuildings.

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



Figure 1: Subject site. Sourced: MapInfo

DETAILS

The applicant is seeking approval for a consolidation of five (5) titles into one (1). The property identified as 11 Little Quiggin Street, Waratah (CT16/545386) is currently improved with a dwelling and existing crossover and driveway. This driveway also provides access to the title currently identified as CT 5/54536 and this title is improved with three (3) outbuildings all ranging in sizes from a 3m x 3m shed, a 6.5m x 5.25m shed and a garage approximately 9m x 6 with lean to. The title described as CT 6/54536 is currently improved with an outbuilding measuring approximately 9m x 9m and a small outbuilding measuring approximately 3m x 3m. The two further titles identified as CT7/54536 and CT 8/5436 are both vacant.

The application is to consolidate all five titles into one lot.

CONSULTATION PROCESS

The consultation process was the public exhibition period set out in the *Land Use Planning and Approvals Act 1993* (LUPAA) and involved notification of adjoining landowners, public notices on-site and advertising in a daily newspaper. The application was placed on public exhibition for a period of 14 days as required under LUPAA. The period for representations closed on 2 December 2020. One (1) representation has been received.

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 - L Singe

Issues raised:	Response:
I have been informed the landowner intends to build holiday units on the lots at the rear of his properties.	Council is only able to assess an application that comes before them. The current

	<p>application is for a consolidation of titles only.</p> <p>Should holiday units be intended for the property, a further planning permit and likely building and plumbing permits would be required prior to their operation.</p>
<p>I believe the application is only to save costs for his own financial benefit and will impose on the privacy of households in the vicinity.</p>	<p>As discussed previously, the current application is for a consolidation of titles only.</p> <p>Any new units or conversions of buildings would trigger the need for a further planning permit and potentially building and plumbing permits.</p> <p>It has been explained in the application the intention of the consolidation of titles was to elevate the need for multiple fees and charges that are incurred by having multiple titles.</p> <p>No new buildings are proposed, it remains unclear how the privacy of the adjoining households would be impacted by a title consolidation.</p>

INTERNAL REFERRALS

Engineering Services Department

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

- (1) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the developer.
- (2) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
- (3) Loading and unloading of vehicles is to be confined to within the boundaries of the property.
- (4) Stormwater from the consolidated title is to be connected and discharged into Council stormwater drainage network.

Note:

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

EXTERNAL REFERRALS

The application was referred to TasWater on 16 November 2020 and a further information request from TasWater was issued on the 23 November 2020. After a reply to this request was received TasWater provided response which was received on 27 January 2021 and requests conditions to be attached to any permit granted.

PLANNING ASSESSMENT

The subject site is zoned Village under the *Waratah-Wynyard Interim Planning Scheme 2013*. The use is a Residential Use which is a Permitted use within the zone, should the application meet all the relevant acceptable solutions of the planning scheme. The proposal does not meet all relevant acceptable solutions of the planning scheme and is therefore submitted as a discretionary application under Section 57 of LUPAA and assessed under the *Waratah-Wynyard Interim Planning Scheme 2013* and relevant State Policies and Acts. Section 57(1) (b) of LUPAA allows Council to relax or waive the provisions of its Planning Scheme under a discretionary status.

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

16.4.8 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>Each new lot on a plan of subdivision must be –</p> <p>(a) for a purpose permissible in the zone</p>
<p>Planning Comments: Complies</p> <p>The proposed new larger lot to be created is not for public use by the State government, Council or a statutory authority. Therefore, the application must address the performance criteria.</p> <p>The subject lot will continue to be used for a residential purpose. The site has various residential storage sheds on-site and a dwelling. A residential use remains a permissible use in the Village zone.</p> <p>The proposal complies with the performance criteria.</p>	

16.4.9 Reticulation of an electricity supply to new lots on a plan of subdivision

<p>A1</p> <p>Electricity reticulation and site connections must be installed underground</p>	<p>P1</p> <p>It must be impractical, unreasonable, or unnecessary to install electricity</p>
--	--

	reticulation and site connections underground
<p>Planning Comments: Complies</p> <p>The proposal is for a consolidation of five (5) titles to become one (1) larger title. The existing dwelling on-site has power provided overhead. The application must address the performance criteria.</p> <p>It is considered impractical, unreasonable and unnecessary to install electricity reticulation and site connections underground as the title will already have connection provided overhead.</p> <p>The proposal complies with the performance criteria.</p>	

STATUTORY IMPLICATIONS

Land Use Planning and Approvals Act 1993

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

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

Local Government (Building & Miscellaneous Provisions) Act 1993

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

STRATEGIC IMPLICATIONS

There are no significant strategic implications identified.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

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

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

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

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

COMMENT

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

It is considered that the proposed consolidation of titles (5 lots into 1) comply with either the acceptable solution or satisfy the performance criteria for all applicable standards of the Planning Scheme. The proposal makes appropriate use of titles bound by a Crown reserve in the Village zone that are being used for a residential purpose.

The application is considered to comply with the Village Zone provisions, and all other provisions for the *Waratah-Wynyard Interim Planning Scheme 2013*. It is therefore recommended that Council approve a planning permit for the proposed subdivision (consolidation of 5 titles into 1).

MOVED BY	CR FAIRBROTHER
SECONDED BY	CR BRAMICH

That Council, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Waratah-Wynyard Interim Planning Scheme 2013*, approve and a Subdivision (Consolidate 5 titles into 1) at 11 Little Quiggin Street, Waratah subject to the following conditions: -

- (1) The development is to be generally in accordance with the application as submitted and endorsed documents as listed:
 - a) Proposal Plan with Job Number 46124-1 as prepared by PDA Surveyors and dated 5 November 2020.****
- (2) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the developer.**
- (3) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.**
- (4) Loading and unloading of vehicles is to be confined to within the boundaries of the property.**
- (5) Stormwater from the consolidated title is to be connected and discharged into Council stormwater drainage network.**
- (6) The development is to be in accordance with the Bushfire Hazard Management Report, as prepared by Bruce Harpley of Environmental Service and Design Pty Ltd version 1 and dated 27 October 2020.**
- (7) 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.**

(8) Before the Final Survey Plan may be sealed, all conditions of this permit are to have been completed.

PART B CONDITIONS:

(1) The person responsible for the activity must comply with the conditions contained in Schedule 2 of Permit Part B which the Regulated Entity (trading as TasWater) has required the planning authority to include in the permit, pursuant to section 56Q of the *Water and Sewerage Industry Act 2008*, reference TWDA 2020/01925-WWC (attached).

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.
- An "Activity in Road Reservation" permit must be obtained from Council for all activity within the Road Reservation.
- 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 SD2109. Any variation requires an application for further planning approval of Council.
- A further fee is required for signing and sealing of Final Plans and Strata Plans. Please refer to Council's website for a current Planning fees.
- Prior to signing and sealing of the Final Plan of Survey, the developer must obtain a Consent to Register a Legal Document from TasWater and the certificate must be submitted to Council as evidence of compliance with the Part B conditions of the Planning Permit. The application form for this consent document can be obtained from the TasWater website <http://www.taswater.com.au/Development/Forms>
- 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 power lines. 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.

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

PLANNING AUTHORITY CLOSED AT 6.55PM

The Manager Development and Regulatory Services left the meeting.

8.0 MATTERS RAISED BY COUNCILLORS

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

8.1.1 CR FAIRBROTHER - CUMMINGS STREET SEALING

QUESTION

Cr Fairbrother asked what type of sealing was proposed for Cummings Street, Boat Harbour

OFFICERS RESPONSE

Cummings Street was tendered and awarded to Roadways to reseal with a two-coat seal at the estimated cost of \$7,792 at the June 2020 Council meeting.

There is some merit in considering upgrading to an asphalt seal for greater pedestrian amenity and to improve resistance to braking forces of heavy vehicles on a steep grade. There is also the opportunity to combine works with the adjacent subdivision at 263 Port Road for a consistent finished surface and sharing of site establishment costs of the contractor.

The changed scope cannot be provided for within Councils existing budget allocation and therefore a recommendation has been made for Council to consider the additional expenditure within the Finance Report at item 9.3 of the agenda.

8.1.2 CR BRAMICH - FIRE BREAK KATELYN DRIVE

QUESTION

Cr Bramich asked if there was any update on the completion of the firebreak at Katelyn Drive, Wynyard.

OFFICERS RESPONSE

Officers advise that works are scheduled to occur between start of March and end of June 2020 as per the recommendations put to Council to avoid disturbance of eagle activity. At the time of publishing the agenda a contractor and start date had not been determined but this will be known later in February.

8.2 COUNCILLOR QUESTIONS RECEIVED IN WRITING

Nil received.

8.3 COUNCILLOR QUESTIONS WITHOUT NOTICE

8.3.1 CR BRADLEY - NOTICE OF MOTION

Cr Maureen Bradley asked if she could foreshadow a motion to overturn the decision regarding Fosters Road at the October 2020 meeting to be discussed at the March 2021 Council Meeting.

The General Manager indicated that Cr Bradley had submitted a Notice of Motion and that it would be included in the March agenda.

8.3.2 CR FAIRBROTHER - MORTON STREET

Cr Darren Fairbrother asked when changes were made to the LIST regarding the ownership of Morton Street, Boat Harbour Beach.

The General Manager took the question on notice.

9.0 NOTICE OF MOTION

9.1 CR D FAIRBROTHER - TASMANIAN PLANNING SCHEME - PROPOSED CHANGES TO LAND DESIGNATED LANDSLIP B

PROPOSED MOTION

That Council write to the respective Minister/Ministers Delegate communicating it's concern about the proposed restrictive changes to be brought upon properties in designated landslip B areas in the Waratah Wynyard municipality upon the adoption of the New Tasmanian planning scheme and that council request that affirmative changes be made so that the previously conferred legislated residential rights be continued and not removed on the Scheme introduction

BACKGROUND INFORMATION

Amendments to the *Building Act 2016* have occurred and will be given effect upon the implementation of the new Tasmanian planning scheme.

Previous legislation conferred and provided benefits in the form of permitted residential building work in these designated landslip b areas.

Changes in the building legislation has been made that will be given affect upon the adoption of the new planning scheme.

Concern is raised and hereby recorded that councils view is that the removal of the residential right is unfair and unjust on all property owners and that the residential beneficial right needs to be reinstated as conferred in legislation prior to the change

OFFICERS COMMENT

Councillor Fairbrother has previously raised this topic through a series of questions last year. The most recent response is copied below. Council officers have reviewed the legislation that will apply once the Tasmanian Planning Scheme is adopted for Waratah-Wynyard and did not identify that residential development in declared landslip B areas will be prohibited.

It is recommended that Council write to the Director of Building Control to seek confirmation that the application of the currently dormant sections of the *Building Act 2016* and *Building Regulations 2016* will not prohibit or increase restrictions upon building in declared landslip B areas.

Previous Officer Comment:

Through further discussion with the Councillor, it has been determined that clarification is sought whether through the adoption of the Tasmanian Planning Scheme, development of land proclaimed as landslip B will be prohibited. Some advice provided previously is replicated below, in order to provide context.

There are two classification systems for assessing landslip risk to development in Tasmania

- Proclaimed landslip areas (A and B) and designated landslip areas – High, Medium-high, Medium and Low. Proclaimed landslip areas are the original classification system, with designated landslip areas being developed more recently. The proclaimed landslip areas information was one data source used to develop the designated landslip areas, with Landslip A generally matching with High, and Landslip B typically matching with the Medium designation.

Proclaimed landslip areas are not incorporated into the current Waratah-Wynyard Interim Planning Scheme 2013 (IPS). The IPS instead uses designated landslip areas – High, Medium-high, Medium and Low. The new Tasmanian Planning Scheme will use the same designations and mapping that is used in the IPS. There have been no changes or updates made to these maps, therefore there will be no new lots mapped as Medium landslip risk under the new scheme when compared to the current.

Currently, the Building Act 2016 still relies upon the proclaimed landslip areas of A and B. This will change when Council adopts their version of the Tasmanian Planning Scheme, and the Building Act will also be based on the designated landslip areas maps – High, Medium-high, Medium and Low.

Review of the Landslip Hazard Code has identified a substantial list of exemptions from the Code under clause C15.4.1. These exemptions include:

- (a) use of land within a low or medium landslip hazard band, excluding for a critical use, hazardous use or vulnerable use;
- (d) development on land within a low or medium landslip hazard band that requires authorisation under the Building Act 2016;

These exemptions will mean that there will be less requirements for a standard development (e.g. Dwelling or shed) under the Tasmanian Planning Scheme than there are under the current planning scheme. Assessment of landslip will instead be pushed to the building permit stage of the project, which will still require the preparation of landslip hazard report, just at the latter stage of the approvals process.

This is a similar approach that was made to bushfire risk. Initially all bushfire assessment was included within planning schemes, but then the approach was adjusted. High risk bushfire assessment remains under planning schemes, but the majority of bushfire assessment is now undertaken at the building permit stage.

In accordance with the above, development of land under Landslip B will not be prohibited once adoption of the Tasmanian Planning Scheme is completed.

MOVED BY	CR FAIRBROTHER
SECONDED BY	CR BRAMICH

That Council write to the respective Minister(s)/Ministers delegate communicating it's concern about the proposed restrictive changes to be brought upon properties in designated landslip B areas in the Waratah Wynyard municipality upon the adoption of the New Tasmanian planning scheme and that council request that affirmative changes be made so that the previously conferred legislated residential rights be continued and not removed on the Scheme introduction.

The MOTION was put and was CARRIED.


IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

10.0 REPORTS OF OFFICERS AND COMMITTEES

10.1 EAST WYNYARD FORESHORE MASTER PLAN FEEDBACK FOR NOTING

To: Council
Reporting Officer: Contracts and Administration Officer
Responsible Manager: Director Infrastructure and Development Services
Report Date: 28 January 2021
File Reference:

Enclosures: 1. East Wynyard Foreshore Master Plan - Community Feedback 

PURPOSE

The purpose of this report is to advise Council of the feedback received from the community consultation conducted during October and November 2020. This report provides Council with a copy of the individual comments provided by all respondents.

BACKGROUND

In late 2017 high-level cost estimates and a concept master plan for the East Wynyard Foreshore were delivered. The concept plan had a strong focus around additional infrastructure for market use and an option to move the skate park from the town centre to the area adjacent the East Wynyard playground (Rotary Park) to promote cross-generational diversity.

The plan had limited public knowledge and proposed high-cost infrastructure which required review to determine the level of value-add to the community. Some works from the plan were carried out however, including macrocarpa pine and swimming pool removals. The old playground at Rotary Park was also disposed of and a new playground installed prior to Christmas 2020.

In late 2020 it was decided that a review of the current master plan should be conducted and must include broader consultation with foreshore residents and the larger community as there was a recognised knowledge gap around community expectations and future desires. The consultation period began in mid-October 2020 and ran for three weeks.

DETAILS

A total of 98 respondents took part in the community consultation period for the East Wynyard Foreshore Master Plan. Community feedback was received through a variety of methods including surveys, email and phone. The consultation period was advertised via social media, flyers, local business participation and word of mouth.

The key data for noting:

- 84% of community feedback respondents live within the Waratah-Wynyard municipality, the majority of participants (62%) were Wynyard locals.
- 73% of feedback came from online surveys, nearly 2/3 of those from the Youth Survey.
- The vast majority (46%) of respondents were in the 11-20 age bracket, the second largest response subset (9%) fell into the 41-50 age bracket although many write in responses (27%) were received without an age profile.

Most feedback centred on a few key areas including health and fitness activities, updates to infrastructure including safety concerns, outdoor facilities & maintaining the natural values of the area.

Most feedback highlighted an interest in having more outdoor activities in the area such as a pump track, more varied gym/exercise equipment, basketball courts and generally improved activities for young people. It should be noted however that there was a small portion of feedback that disagreed with increased outdoor activities in the foreshore area.

Pedestrian safety and footpath infrastructure were also a concern raised during the consultation period. Forty percent of responders sought improved footpath infrastructure including moving footpaths that crossed roads or parking areas to make walking, running and cycling safer and more inclusive for all users of the Foreshore.

Many of those providing feedback raised interest in outdoor facilities such as increased seating, sun shelter, tables and BBQ areas as well as suggesting that improvement of the natural values of the East Wynyard Foreshore should be part of plan. Most would like to see more greenery and increased maintenance of the existing flora as it has become overgrown in many areas.

The individual text-based comments provided by some have provided more insight into their attitudes and beliefs around the use, misuse and missed opportunities for the Foreshore.

The survey results have been analysed and reviewed in detail to determine options and possible impacts to future of the Foreshore which will result in an updated Foreshore masterplan for Council review and public feedback later this financial year.

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 3: Connected Communities
Desired Outcomes
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 Priorities
3.2 Deliver engagement strategies that adapt to community needs to ensure effective communication and collaboration.
3.5 Provide high quality shared and multi-use community hubs that combine a range of recreational, sporting and educational uses.
3.6 Facilitate activities and events that promote inclusion, health, safety and a sense of place.

GOAL 4: Community Recreation and Wellbeing
Desired Outcomes
Our community values, encourages and supports physical, social and cultural activities.
We provide recreational opportunities to the community for all ages and abilities.
Our community enjoys access to visually appealing safe spaces and facilities for recreation.

Our Priorities	
4.1	Commit to ongoing recreation and open space planning to ensure evidence-based decisions are made about the role of Council and its partners in recreation.
4.2	Focus on the value of recreation in promoting the health and wellbeing of our community.
4.3	Employ land-use planning strategies to promote connectivity and equity in the allocation or use of open space for recreation purposes.
4.4	Provide and maintain quality and safe places and spaces for physical, social and cultural activities, including shared and multi-use facilities where possible.

Sustainable Murchison Community Plan 2040

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

Council Strategy or Plan Reference

Council Strategy or Plan	Date Adopted:
East Wynyard Foreshore Master Plan	

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

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

CONSULTATION PROCESS

Public consultation was made through survey and public response to address a gap in understanding of community expectations and desires for the future of the East Wynyard Foreshore. Council decisions that are made as a result of the feedback analysis will be communicated back to the community, as appropriate.

CONCLUSION

It is therefore recommended that the Council note feedback from the community consultation.

MOVED BY	CR COURTNEY
SECONDED BY	CR EDWARDS



That Council note feedback from the community consultation.

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

10.2 SENIOR MANAGEMENT REPORT

To:	Council
Reporting Officer:	Executive Officer
Responsible Manager:	General Manager
Report Date:	28 January 2021
File Reference:	1202
Enclosures:	<ol style="list-style-type: none">1. TasWater - Waratah dam Submission re Dam Works 2. TasWater Acknowledgement - Representation re Application to undertake Dam Works 

SUMMARY/PURPOSE

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

GENERAL MANAGERS OFFICE

ACTIVITIES SINCE LAST COUNCIL MEETING

Listed below is a summary of activities undertaken by the General Manager during the period 11 January 2021 to 5 February 2021.

Corporate

- As part of Council's Work Health and Safety program, undertook a safety inspection with another staff member of the Wonders of Wynyard and completed associated report
- Participated in the commencement of budget and annual plan preparation
- Participated in an interview panel for vacant position within the human resources/safety team
- Participated in Joint Executive Management team meeting with Circular Head Council
- Attended the Community Conversations Event in Boat Harbour

Community

- Met with a community member who had a list of matters to discuss, primarily focussed on weed management
- Met with representatives of the Boat Harbour Beach Surf Life Saving Club to progress matters arising from the Boat Harbour Beach Masterplan
- Met with Sergeant Katrina Chivers of Wynyard Police for an update on matters of interest
- Met with representatives from Waratah concerned with the proposed decommissioning of the Waratah Reservoir
- Met with a representative of the Wynyard Agricultural and Show Society to discuss a range of matters relating to the Wynyard Showgrounds

Industry

- Attended the North by North West Tourism Forum

Other

- Attended Strategic Board workshop of the Cradle Coast Authority
- Attended an Audit and Risk Committee Meeting of the Cradle Coast Authority
- Leave from 19 January through until 27 January

Councillor Professional Development

LGAT is conducting a Professional Development Workshop for Councils in February. The following Councillors will be attending:

- Cr Celisa Edwards
- Cr Andrea Courtney
- Cr Darren Fairbrother.

The cost of Councillor attendance is:

Two day Conference:	\$520 pp
Accommodation:	\$346 pp
TOTAL	<u>\$866 pp</u>

In addition to this will be cost of travel. The cost of this training is sufficiently covered in the current Council Budget and an important part of ongoing professional development.

Waratah Reservoir Decommissioning Submission

As per the Council resolution at the January Council Meeting a submission was submitted regarding an application for Dam Works to decommission the Waratah Reservoir. A copy of the submission and acknowledgement of receipt is attached to this agenda.

Draft Waste and Recovery Bill

The State Government has released the final draft of *The Waste and Resource Recovery Bill; 2021 (the Bill)* and public consultation is now open, closing on Friday 12 March 2021.

This Bill has been drafted following extensive community consultation which indicated strong support for improving strategic governance and a waste levy in Tasmania. Council will be discussing the Bill and its implications at an upcoming workshop and then preparing a submission.

Documents relating to the draft Bill can be found on the Tasmanian Government Website at the following link <https://dpipwe.tas.gov.au/environmental-management/waste-and-resource-recovery-bill>

ADMINISTRATION – USE OF CORPORATE SEAL

18/01/2021	Instrument of Delegation – Council to General Manager	Powers and Functions under the Public Interest Disclosure Act 2002
1/2/21	Final Survey Plan	19 Simpson Street, Somerset Subdivision (1 into 2)
1/2/21	Amendment to Sealed Plan	258-260 Port Road Boat Harbour – Petition to amend sealed plan
1/2/21	Boundary Adjustment and Petition to amend Strata Plan (schedule of Easements	1/ 258 Port Rd Boat Harbour Beach (BHB), 2/258 Port Road BHB, 1/260 Port Road BHB, 2/260 Port Road BHB, 3/260 Port Road BHB

MOVED BY	CR FAIRBROTHER
SECONDED BY	CR HYLAND

That Council:

- 1. Note the monthly Senior Management Report; and**
- 2. Note Councillor attendance at the LGAT Professional Development course.**
- 3. Note the submission to the proposed decommissioning of the Waratah Reservoir.**

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

10.3 FINANCIAL REPORT FOR THE PERIOD ENDED 31 JANUARY 2021

To:	Council
Reporting Officer:	Corporate Accountant
Responsible Manager:	Director Organisational Performance
Report Date:	2 February 2021
File Reference:	6
Enclosures:	Nil

PURPOSE

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

BACKGROUND

The financial reports presented incorporate:

- Income Statement
- Balance Sheet
- Cashflow Statement
- Schedule of Investments
- Operating Performance by Department
- Rate Summary
- Tenders and Contracts
- Capital Works Summary
- Capital Works Progress

DETAILS

During January, a detailed review of Council's operational forecast was completed, with new management reporting being rolled out to managers and monthly forecast review meetings now held with each manager.

Following the review, forecast information has been included in the agenda. The current forecast position is showing a favourable variance to budget of \$59k. This variance is made up of several favourable and unfavourable variances across the budget. Commentary on the forecast is provided at both an expenditure type and departmental level further in this report.

CCTV

CCTV roll out to date has focussed on community safety and covering Council infrastructure. It was planned to expand the network of cameras to the East Wynyard Foreshore area in next financial year's budget however in light of recent events and following consultation with Tas Police, Council Officers are recommending that Council consider bringing forward plans to install a camera to protect Council's recent investment in playground infrastructure and help prevent antisocial behaviour. It is recommended that Council approve expenditure of \$7,000 which is currently outside the scope of this year's budget.

Cumming Street Sealing Works

A tender was awarded to Roadways to reseal with a two-coat seal at the estimated cost of \$7,792.

There is some merit in considering changing the scope of this project and spending more to upgrade to an asphalt seal for greater pedestrian amenity and to improve resistance to braking forces of heavy vehicles on a steep grade.

There is also the opportunity to combine works with the adjacent subdivision at 263 Port Road for a consistent finished surface and sharing of site establishment costs of the contractor.

The proposed change in scope cannot be provided for within Councils existing budget allocation and therefore it is recommended that Council support the change in scope and approve additional expenditure taking the total project spend to \$29,400. The change in scope represents a \$21,607 variation.

STATUTORY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

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

Council Strategy or Plan Reference

Council Strategy or Plan	Date Adopted:
Financial management Strategy 2020-2030	Adopted March 2020

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

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

CONSULTATION PROCESS

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

CONCLUSION

All details are included in the attached reports.

MOVED BY	CR FAIRBROTHER
SECONDED BY	CR HYLAND

That Council:

- 1. Note Financial Reports for the period ended 31 January 2021;**
- 2. Approve additional capital expenditure of \$7,000 for the installation of a CCTV camera at the East Wynyard Foreshore noting that the additional camera is outside the current year CCTV camera budget allocation; and**
- 3. Approve the change in scope of the Cumming Street sealing works and estimated project expenditure of \$29,400.**

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

10.4 QUARTERLY STATISTICS REPORT TO 31 DECEMBER 2020

To:	Council
Reporting Officer:	Executive Officer - Governance and Performance
Responsible Manager:	Director Organisational Performance
Report Date:	2 February 2021
File Reference:	004.10
Enclosures:	Nil

PURPOSE

To provide statistical information on the activities of Council for each Department.

BACKGROUND

This report is provided on a quarterly basis to provide statistical information for some of Council's ongoing activities and services.

DETAILS

The following Departmental Statistical Reports are provided for the information of Council:

General Manager's Office	Resource Sharing Quarterly Report Human Resources: <ul style="list-style-type: none">• Staff numbers and statistics• Departures• Turnover rate• New starters• Recruitment Activity Workplace Health and Safety: <ul style="list-style-type: none">• Incident & Hazard Reporting• Lost Time Injury Frequency Rate
Community & Engagement	Tourism: <ul style="list-style-type: none">• Website Visits• Wonders of Wynyard (WOW)• Waratah
	Children's Services: <ul style="list-style-type: none">• Warawyn Early Learning Centre• Warawyn Wynyard OSHC• Warawyn Boat Harbour After School Care• St Brigid's After School Car
Infrastructure & Development Services	Building: <ul style="list-style-type: none">• Building Approvals• Building Values• Environmental Health Immunisations
	Environmental & Public Health: <ul style="list-style-type: none">• Immunisations• Inspections – Food Premises• Health Approvals
	Planning: <ul style="list-style-type: none">• Planning Approvals
	Waste: <ul style="list-style-type: none">• Waste to Landfill
Organisational Performance	Council Certificates

GENERAL MANAGER'S OFFICE

RESOURCE SHARING QUARTERLY REPORT TO 31 DECEMBER 2020

Council continues to support and action the resource sharing agreement between Circular Head and Waratah Wynyard Councils. This agreement continues to provide a valuable collaborative approach to meeting increasing community expectations and innovation in service delivery.

The formal resource sharing arrangement helps both Councils to:

- Secure future viability for their communities;
- Deliver better and relevant services;
- Retain their own unique identity;
- Maintain final decision making with each Council;
- Be proactive and choose mutually beneficial alliance;
- Make long term cost savings;
- Spend savings on more projects and resources;
- Develop economies of scale; and
- Attract skilled staff.

Both Councils continue to pursue joint strategic tasks and projects which include sharing plant and equipment; undertaking joint procurement and contract management activities; policy development; review of business processes; and shared meeting attendance and joint Committee representations. Councils have worked on the following projects this financial year as at 31 December 2020:

Project/Area	Benefits Sought
Shared Plant & Equipment	
Investigating opportunities for sharing equipment.	On an ongoing basis Works Managers actively investigating options to share equipment, including ability to reduce reliance on contractors where business case and scale support. Throughout the December quarter site visits have occurred to consider options for sharing roadside slashing equipment. The outcome of the investigation concluded that there are opportunities for efficiency. More information will be provided to Councillors throughout the budget deliberation process.
Shared Procurement and Contract Management Activities	
Shared procurement processes undertaken: <ul style="list-style-type: none">• Building asset revaluations – shared engagement	Reduction in duplications of effort and cost using one process, advertisement and assessment panel. Greater value for money achieved in through greater economy of scale. Less cost to suppliers in making one submission rather than two.
Cyber Security Audit Procurement	In December, CHC assisted WWC with scoping of an internal review by sharing its own approach and learnings from their own audit/review. This has saved WWC officers administrative time in the procurement process. Outcomes of WWC review will be shared with CHC for opportunities to work together on any improvement projects arising from the review.

Project/Area	Benefits Sought
Procurement process bridge replacement was conducted jointly for bridge replacement program for 2020/21. Note: The result of the procurement was to award separate contracts in this instance, but this joint process allowed for	Administration and project management efficiencies. Potential to attract a wider sector of the market. Greater testing of the market and pricing options to consider for best value. Market will be tested again by end of March 2021.
Coordination of specialist assessments	Whilst specialists are currently engaged by each Council, there is coordination in the logistics to benefit from travel efficiencies.
Shared Policies & Procedures	
<u>Legislative Audits</u> This is an ongoing program to undertake internal audits of Councils compliance with legislation. This program test Councils compliance with various legislative requirements. Throughout the quarter both councils undertook a Local Government Highways Act Audit.	The benefits of undertaking this program together include the efficiency gained from sharing specialised staff knowledge and use of a shared audit program and framework. This reduces the preparation time required to prepare and report on findings and makes the audit program cost effective. An added benefit for Circular Head Council is that the audit has some independence. The program itself provides Council with assurance in relation to compliance with its statutory obligations. Joint audits undertaken this year to date include: <ul style="list-style-type: none"> - <i>Public Health 1997</i> (completed December 2020 with final report to EMT pending) - <i>Food Act 2003</i> (completed December 2020 with final report to EMT pending) - <i>Local Government Highways Act 1982</i> (completed for Waratah-Wynyard Council in March 2020 and completed for Circular Head Council in August 2020)
Shared Meeting Attendance and Joint Committee Representations	
<u>Joint Council Workshop – 26 August 2020</u> This joint workshop with Councillors focused on the Waste and Resource Recovery Strategy 2019-2024 and the merits of implementing a food and organic collection.	Reduced duplication of effort in presenting and preparing presentation on the merits of the program. Collaboration and sharing of ideas and perspectives.
<u>Joint Executive Meetings</u> Explore operational opportunities that could benefit both Councils.	<p>Meeting 18 August 2020 Outcomes of the meeting:</p> <ul style="list-style-type: none"> • Progression of a shared internal legislative audit program. • Explores opportunities and learnings from shared procurement practices, including training. • An agreed annual program of key assets and financial tasks. <p>Meeting 15 December 2020 Outcomes of the meeting:</p> <ul style="list-style-type: none"> • Progression of a shared internal legislative audit program. • Discussed regional blackspot connectivity issues and potential funding opportunities. Agreed to schedule a meeting with Telstra and MP Gavin Pearce to better understand extent of problems and solution options for the region. (meeting has since been held and a joint workshop including both Councils is proposed once the matter has progressed further).

Project/Area	Benefits Sought
	<ul style="list-style-type: none"> Agreed to share IT Cyber Security Audit learnings and explore opportunities to work together.
<u>NRM Officer Joint rep on Western Fire Area Management Committee</u>	The NRM Officer's role across both councils enables representation of both communities in the consideration of bushfire planning.
<u>Western Emergency Management Committee</u> The committee is a joint committee of 3 councils: Burnie, Circular Head, & Waratah Wynyard Council	Broader input and sharing of skills and resources for emergency planning. Single plan and framework. Increased access to other government agencies who can attend one meeting between 3 rather than 3 individual meetings. A joint representative attended a meeting held 29 th October 2020.
Shared Training	
<u>Leadership Training</u> Works teams at both councils undertaking combined leadership training.	Efficiencies of scale, common training and language. This opens scope for greater collaboration between teams when moving in similar directions.
<u>Shared Procurement Training</u> LGAT Vendor Panel training	Reduced administration cost in coordination of training and shared experiences and knowledge and increased flexibility of time.
<u>Public Interest Disclosure Training</u> Tasmanian Training Consortium	This training was more cost effective by coordinating on behalf of all NW Councils and allowed an additional session to be held that would otherwise have not been accessible to NW Councils. Training scheduled for 19 March 2021.
Integrated Strategic & Operational Planning	
Youth Plan	The Community Services Teams of both Councils met to develop an implementation plan for 2021 with a joint project officer delivering the program for both Councils.
Age Friendly Community Plan	The Community Services Teams of both Councils met to develop an implementation plan for 2021 with a joint project officer delivering the program for both Councils.
Health & Wellbeing Program	<p>Health and Wellbeing Plan, Youth Plan and Age Friendly Community Plan were developed across both municipal areas. An implementation plan was developed with shared responsibility for actions by both teams irrespective of location.</p> <p>Joint funding was received (Breathe Eat Move Relax for a healthy lifestyle program (BEMR)) to implement a range of actions from the Health and Wellbeing Plan – a joint project officer will deliver this program over two across both Council areas.</p> <p>The Community Services Teams of both Councils met to develop an implementation plan for 2021 with a joint project officer delivering the program for both Councils.</p> <p>implementation plans for community plans including the Breathe Eat Move Relax for a healthy lifestyle program (BEMR), age friendly plan, and youth plan for 2021.</p> <p>Joint project officers are delivering programs across both Councils.</p>
Asset Planning - Joint Project Delivery	<p>Documentation efficiencies and joint learning across councils, whilst maintaining strategies and plans unique to each municipality. Collaboration draws on a wider pool of ideas and knowledge.</p> <p>Lowered costs from single and shared procurement of highly technical third-party advice (i.e. FOGO).</p> <p>Shared projects this year to date include:</p>

Project/Area	Benefits Sought
	<ul style="list-style-type: none"> • Transport Infrastructure Asset Management plans • Transport Infrastructure Service levels • Urban Stormwater Infrastructure Asset Management plans • Urban Stormwater Infrastructure Service levels • Waste and Resource Recovery Strategy 2019-2024 • FOGO Feasibility Study • Public Art • Work Inspirations Youth Program • Youth Leaders Programs • Community Grants • I am Project • Buildings Asset Management Plans • Building Revaluations
GIS Modernisation Project	<p>Corporate GIS systems across the both Councils are disparate and non-web based and not currently accessible by field staff and the public.</p> <p>This shared software will provide a web based Corporate GIS System for both Councils allowing for enhanced user administration, ubiquitous access from any device and common operating platform across both Councils.</p>
Other Shared Business Processes	
<u>Shared Audit Panel</u> The Independent Audit Panel is shared between both Councils and King Island Council.	<p>Benefits from the shared panel include a reduction in administration and cost in relation to recruitment and training of independent members.</p> <p>The knowledge of Panel members is enriched through exposure to multiple Council operating environments which adds value to their ability to identify risks for each organisation.</p>
<u>Dog Control Signage</u> Exercise areas standardized formats across the two Councils. One set of standard signage designed and prepared at one Council.	<p>Access to in house graphic design capability for both Council's.</p> <p>Avoid duplication of effort and increase consistency.</p>
<u>Mobile - Roads Defect Inspection Tool</u> Methodology jointly developed by current Project Officers who were formerly works managers at each council with close to 100 years working knowledge. Mobile tool programming developed by shared GIS Officer	<p>This is a significant step forward in our structured asset management approach which will provide many ongoing benefits: -</p> <ul style="list-style-type: none"> • Maintenance planning • Visual representation of defect in the road network to assist maintenance planning • Evidence based operational budgeting to meet Council's service standards.

As at 31 December 2020 there were 13 positions shared to varying degrees across the two Councils. The shared positions include:

Position	Split	Benefits
Employed by Waratah Wynyard Council:		
Director Community and Engagement	0.8 WWC 0.2 CHC	Enables the delivery of joint Community Wellbeing Plans and the collaboration of teams to deliver.
Manager Digital Innovation & GIS Services	0.8 WWC 0.2 CHC	Provide scale to develop and maintain GIS capacity at each Council.
Manager Development and Regulatory Services	0.5 WWC 0.5 CHC	Shared learnings applied to same legislative functions

Manager Asset Services	0.5 WWC 0.5 CHC	Each Council access to skill and resources. Same framework used across each Council.
Project Manager	0.5 WWC 0.5 CHC	Each Council accesses to the function. Similar or joint projects undertaken across both Council's
Graduate Civil Engineer	0.5 WWC 0.5 CHC	Similar or joint projects undertaken across both Council's. Each Council access to this resource, reduce reliance on consultant designers.
Infrastructure – Future Projects & Delivery Coordinator ¹	0.5 WWC 0.5 CHC	Reciprocal arrangement. Skill sharing, leave coverage, and collaboration.
² Compliance Officer		Reciprocal arrangement. Skill sharing, leave coverage, and collaboration.
Employed by Circular Head Council:		
Director Infrastructure & Development	0.45 CHC 0.55 WWC	Collaboration and greater access to technical, strategic, executive and management skills across both Councils
NRM Officer	0.5 CHC 0.5 WWC	Each Council accesses to the function. Similar program can be delivered with shared learning. Single representation at regional level
IT Coordinator	0.5 CHC 0.5 WWC	Access to key skills. Benefits where shared projects or systems are implemented. Learnings are shared.
Plumbing Compliance Officer	0.5 CHC 0.5 WWC	Each Council accesses to the function.
Manager Engineering and Projects ¹	0.5 CHC 0.5 WWC	¹ Reciprocal arrangement. Skill sharing, leave coverage, and collaboration.
² Compliance Officer		Reciprocal arrangement. Skill sharing, leave coverage, and collaboration.
Position	Split	Benefits

¹ These two roles interchange as a reciprocal arrangement.

² Reciprocal leave coverage and weekend call out arrangements, particularly in the area of Animal Control

HUMAN RESOURCES

Staff Numbers as at: 31 December 2020					Statistics		
	Full-time	Part-time	Casual	Total	Average Age	Female	Male
Indoor	37	17	8	62	50.73	39	23
Outdoor	26	1	0	27	49.06	1	26
Childcare	7	8	12	27	43.88	26	1
Total	70	26	20	116	48.75	66	50
Head Count	Fulltime equivalent (FTE) employees			90.8	Average Years of Service		10.2

Departures this Quarter				New Starters this Quarter			
	Full-time	Part-time	Casual		Full-time	Part-time	Casual
Indoor	0	1	0	Indoor	2	1	0
Outdoor	2	0	0	Outdoor	0	0	0
Childcare	0	0	0	Childcare	0	0	4
Total Departures	3			Total New Starters	7		

Turnover Rate of Permanent Staff	
3%	Average (Permanent Departure rate divided by total permanent employee rate)
5%	Average Turnover for Public Administration

Recruitment this Quarter			
Position	Open	Closed	Status
Corporate Accountant	16-Oct-20	03-Nov-20	Closed
Town Planner	N/A	N/A	Closed
Horticulture Trainee x 2	16-Oct-20	09-Nov-20	Closed
Civil Construction Trainee x 2	16-Oct-20	09-Nov-20	Closed
ASbA Trainee x 2	17-Oct-20	30-Oct-20	Closed
Communications Officer	04-Nov-20	23-Nov-20	Closed
Parks & Reserves Employee (Horticulture)	19-Nov-20	07-Dec-20	Closed
Cadet Engineer	N/A	N/A	Closed
People & Safety Administration Officer	17-Dec-20	13-Jan-20	Open

WORK HEALTH AND SAFETY

Incident/Hazard Report Forms received this Quarter							
	Incident	Hazard	Near Misses	Injury/ Illness	Lost Time Injuries (hrs)	Property/ Plant Damage	Total Reports
Indoor	1	0	0	1	0	0	2
Outdoor	0	1	3	6	25	9	19
Childcare	0	0	0	0	0	0	0

Lost Time Injury Frequent Rate (LTIFR) for this Quarter						
No. of LTI's	No. of FTE Employees	Weekly Hours	Weeks in Period	Hours Worked in Period	LTIFR	Industry Standard
2	90.78	38	12	41396	48.31	12.6

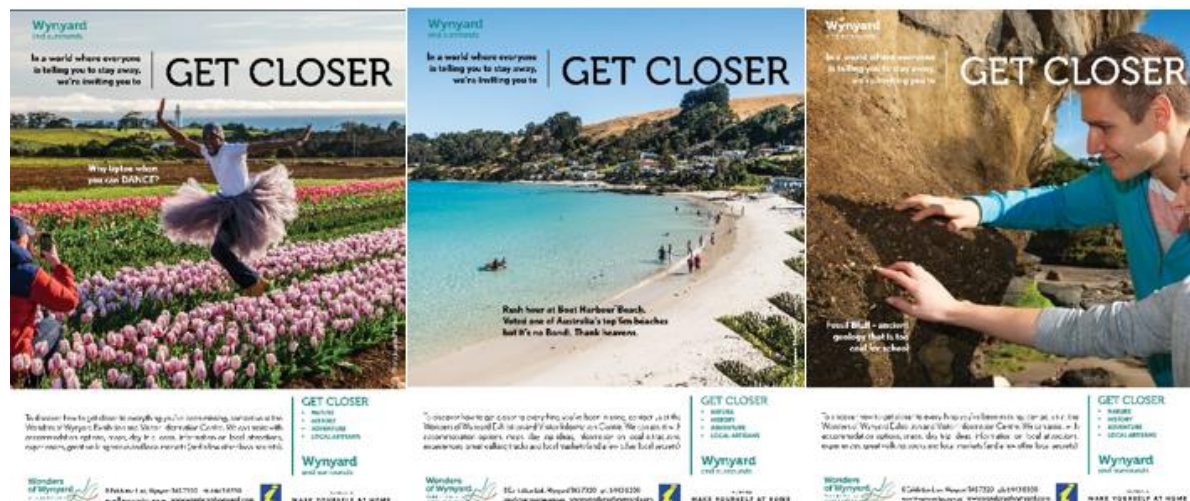
Workers Compensation Cases				
	New	Ongoing	Finalised	Total at EOP
This Quarter	1	0	0	1

COMMUNITY AND ENGAGEMENT

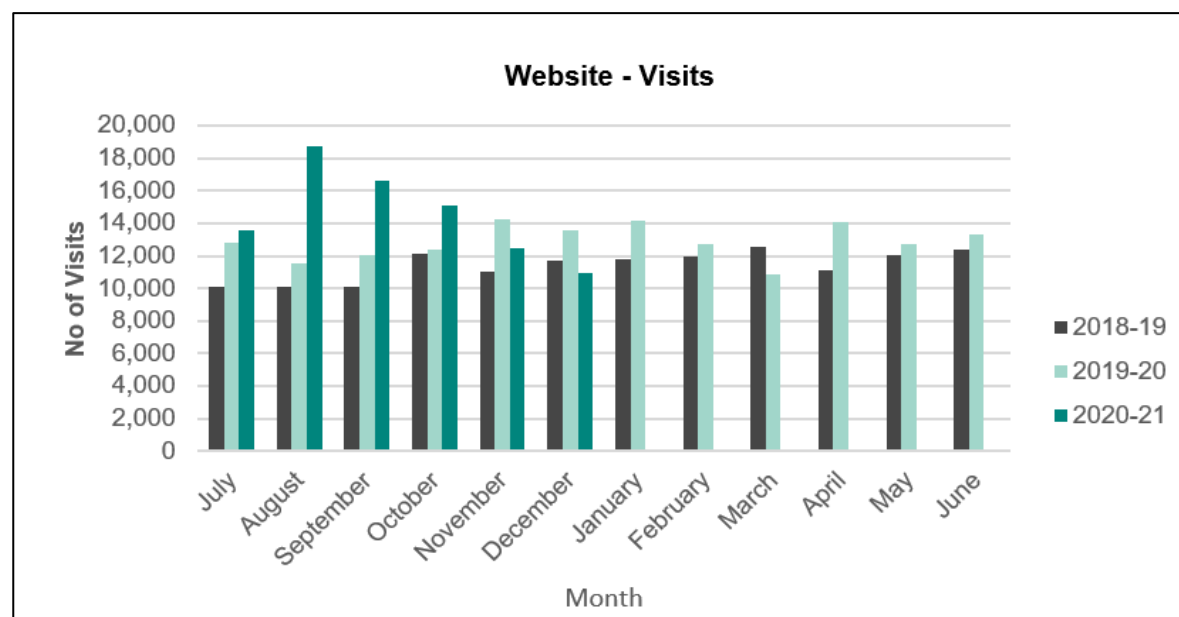
TOURISM

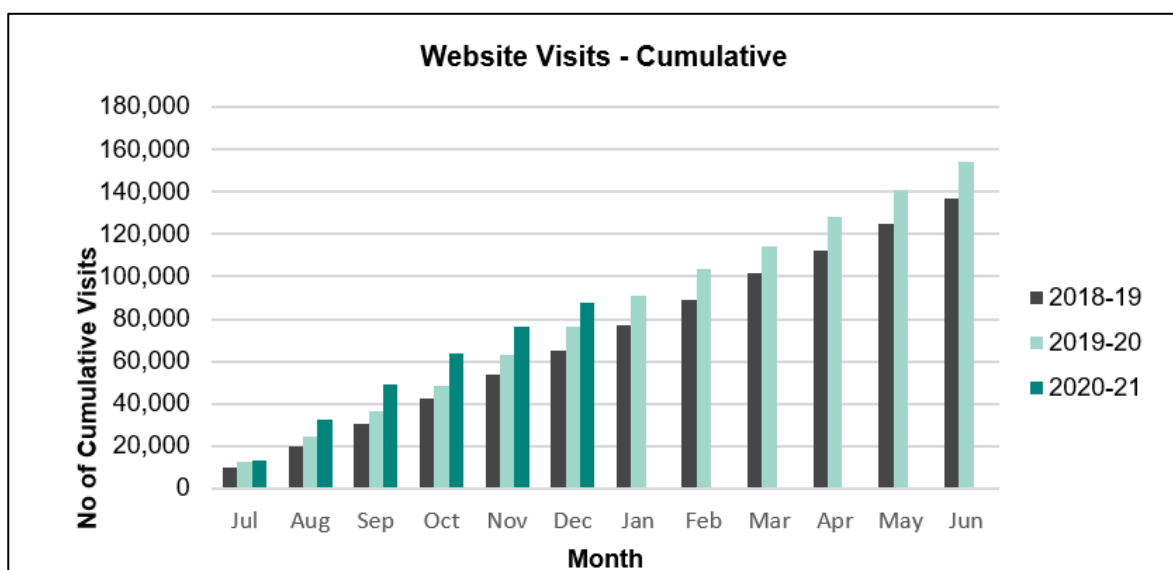
Tourism General Marketing:

- The 'Get Closer' campaign continued in October in the Mercury and weekend Examiner.



Website:

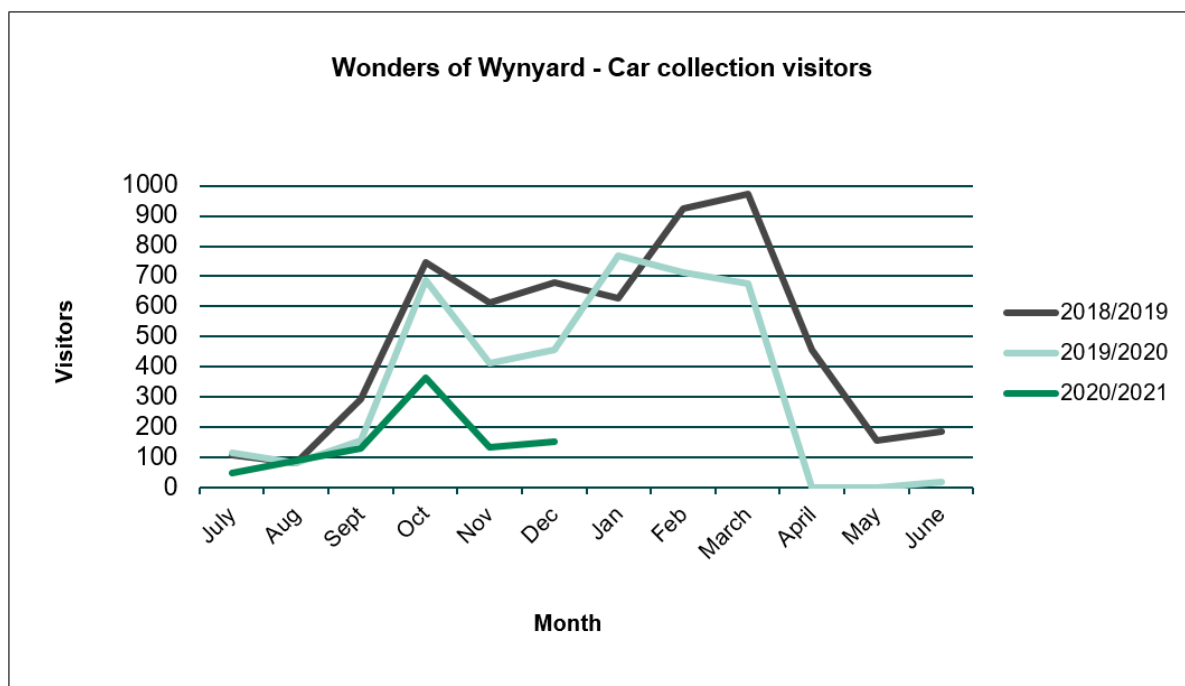
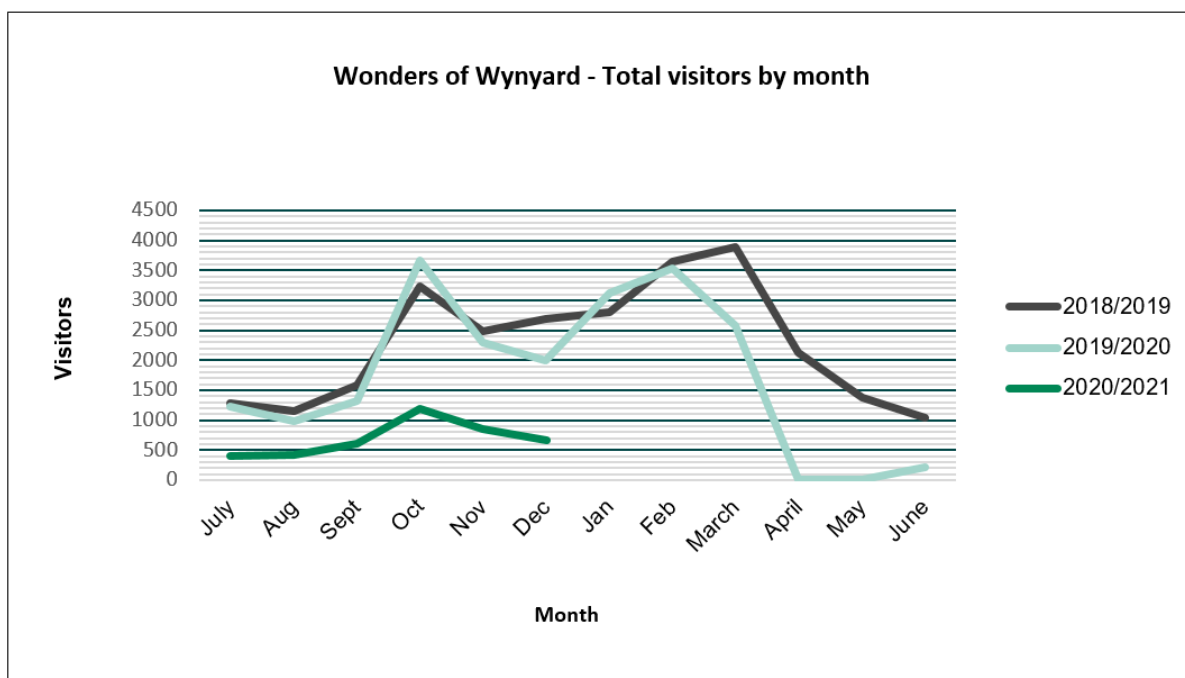




Wonders of Wynyard (WOW)

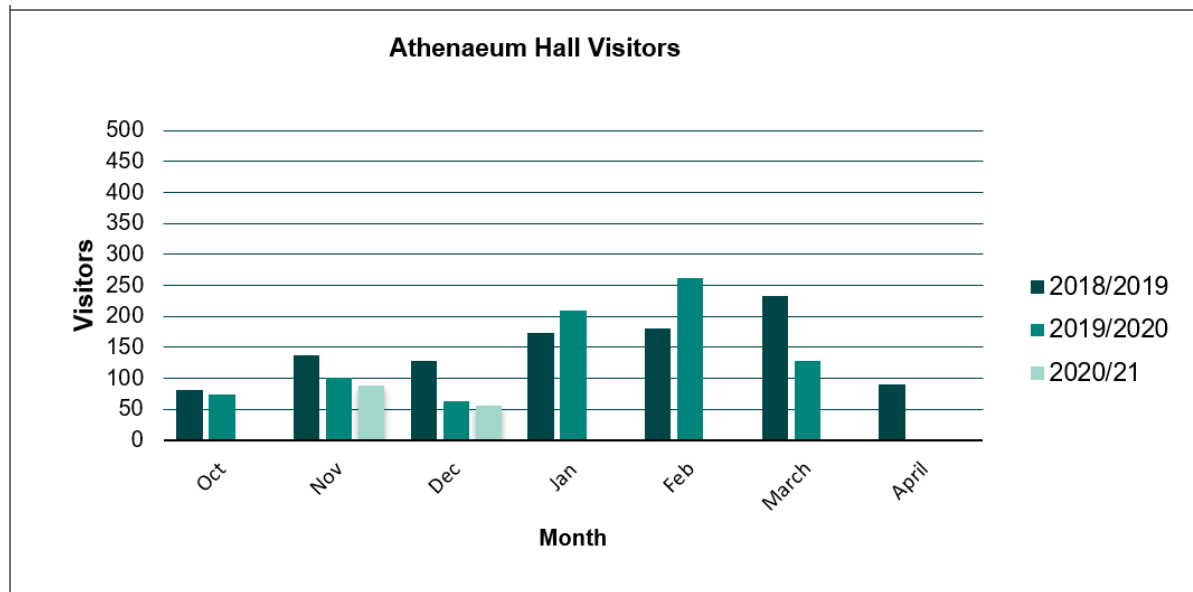
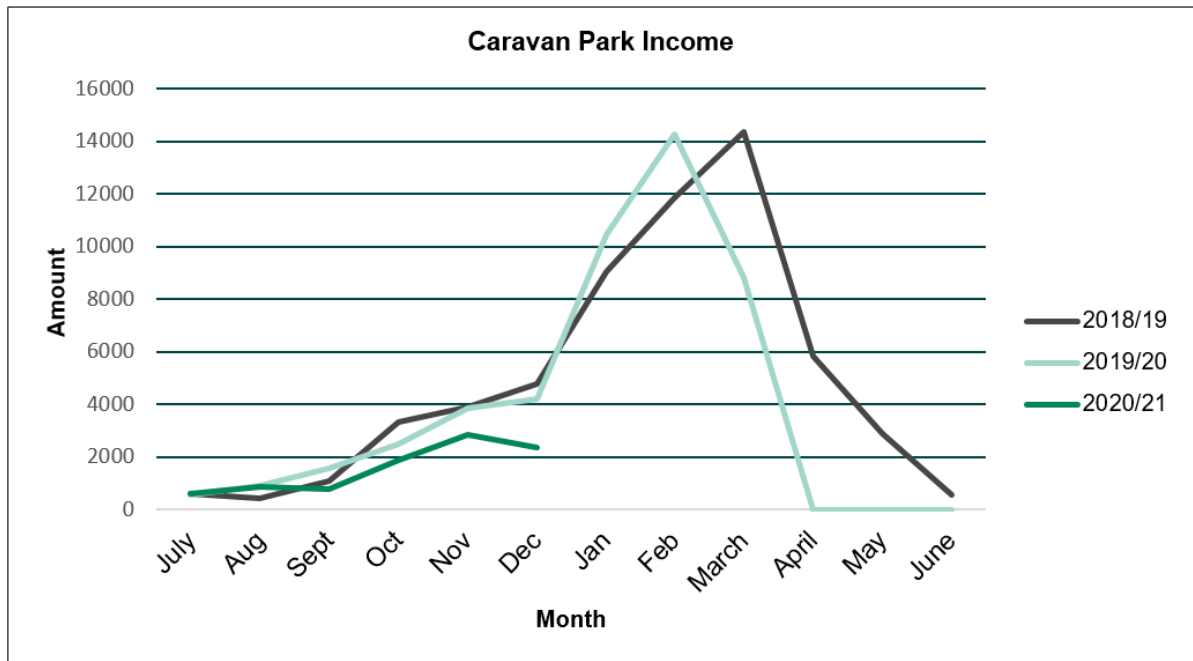
Wonders of Wynyard (WOW)

- From 21st September the WOW returned to full summer hours – 9am-5pm/ 7 days. The increase in hours reflected the anticipated increase in visitation over the tulip season and indications of domestic tourism having sustained numbers.
- There was growth in numbers with double from last quarter September to October, however the growth was still significantly down on previous years for what is traditionally the busiest month (67% decrease on Oct 2019)
- There were benefits from the Tasmanian Government Travel Vouchers in August and September. The second round of vouchers only marginally improved November numbers.
- With the exception of August and September (53-55% decrease), there has been a consistent drop in overall visitation of between 63-67% each month over the current financial year.
- After encouraging attendances in August and September, visitors to the car collection were 47% down for October, and 67% down for both November and December. This is in line with the overall decline in visitation.
- Income has declined with a similar trend, with decreases between 56-59% for the quarter.

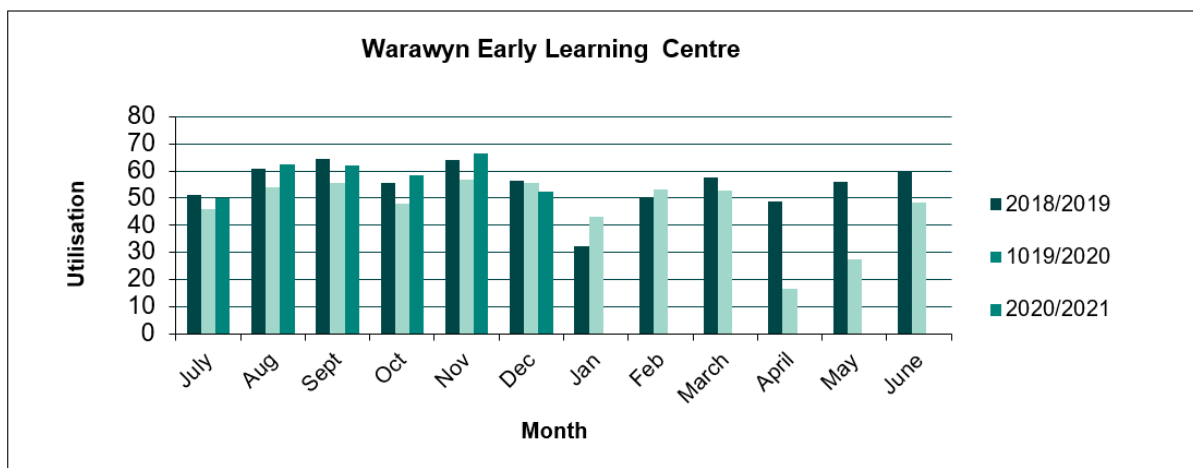


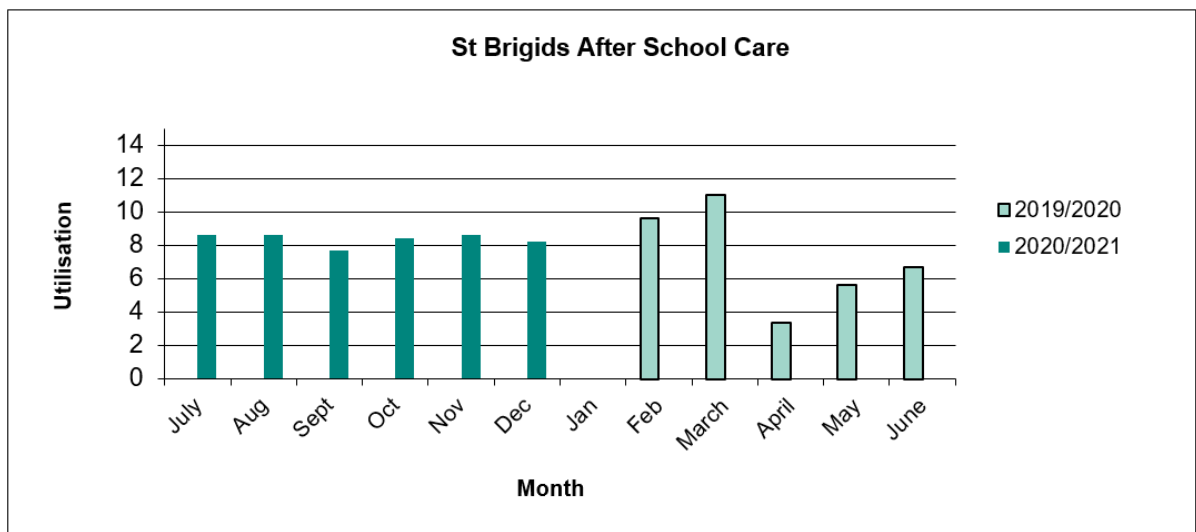
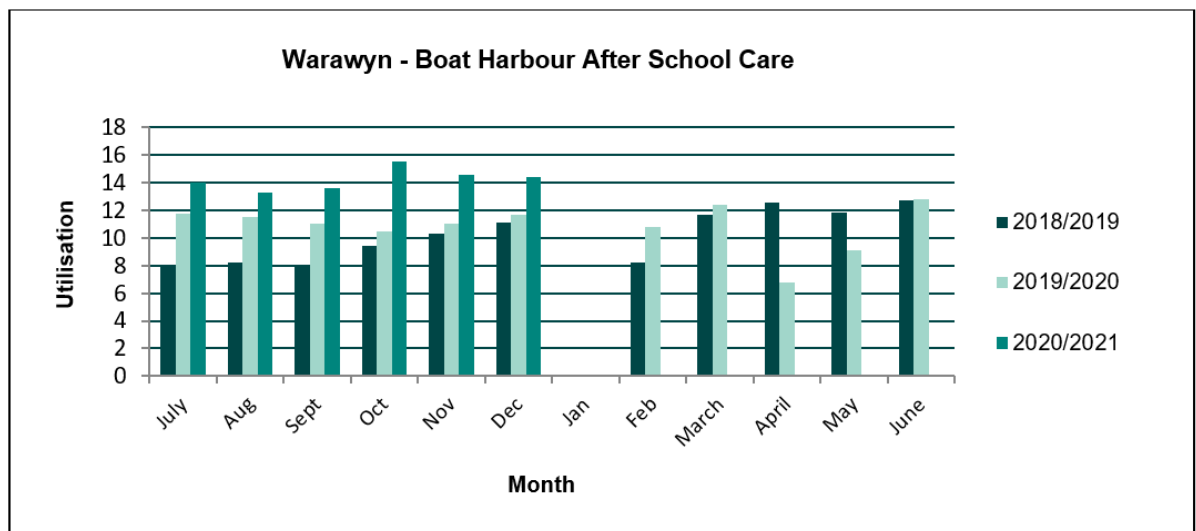
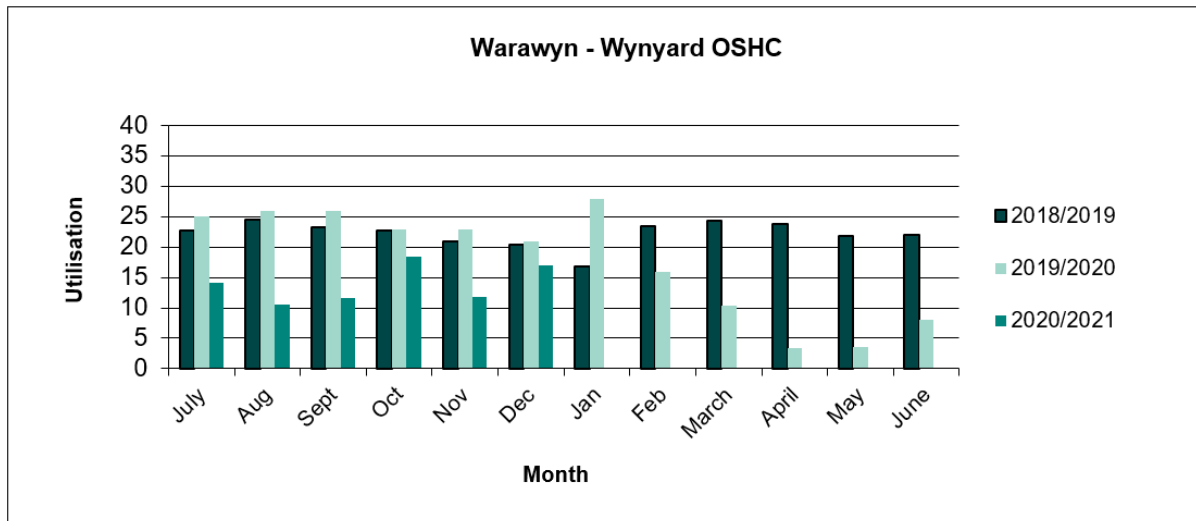
Waratah

- Waratah campground utilisation were down 25% for both October and November and 44% down for December.
- The Athenaeum Hall re-opened on 29th October and numbers have been down 13% since opening.
- The Waratah Museum utilisation has been down between 78% and 41% - with reduced opening days due to difficulty finding volunteers.



CHILDREN'S SERVICES

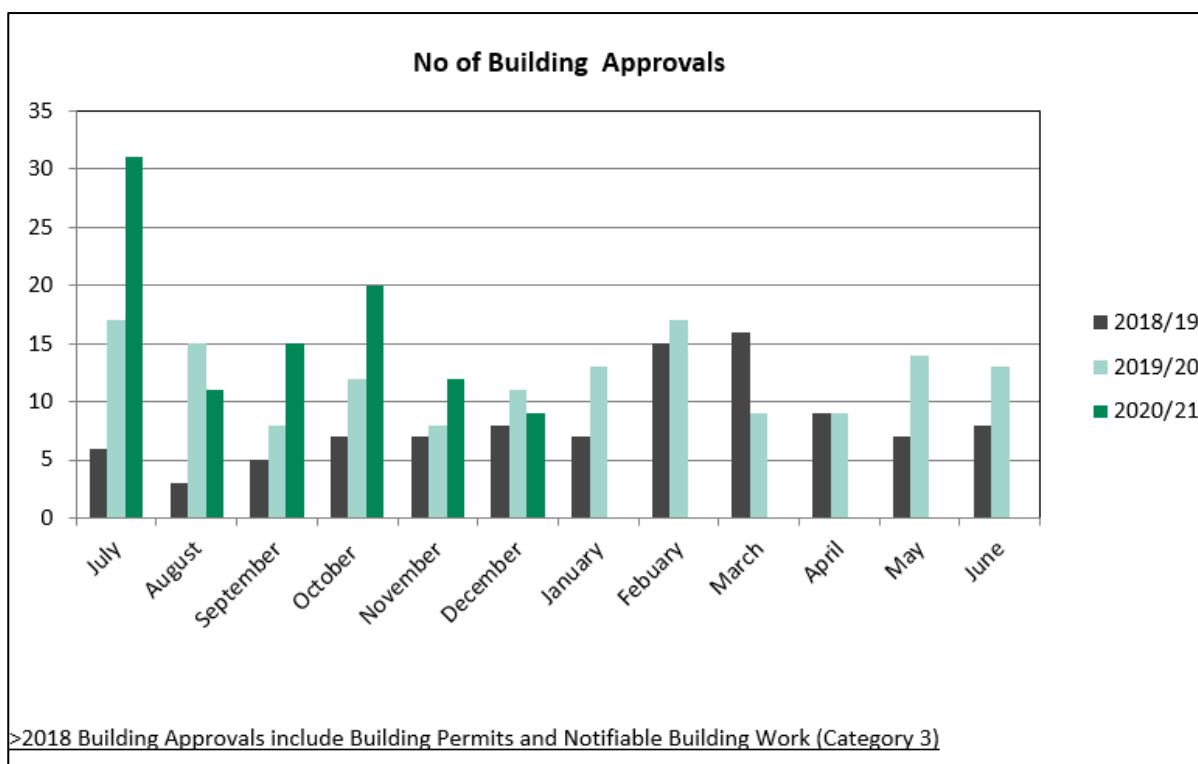




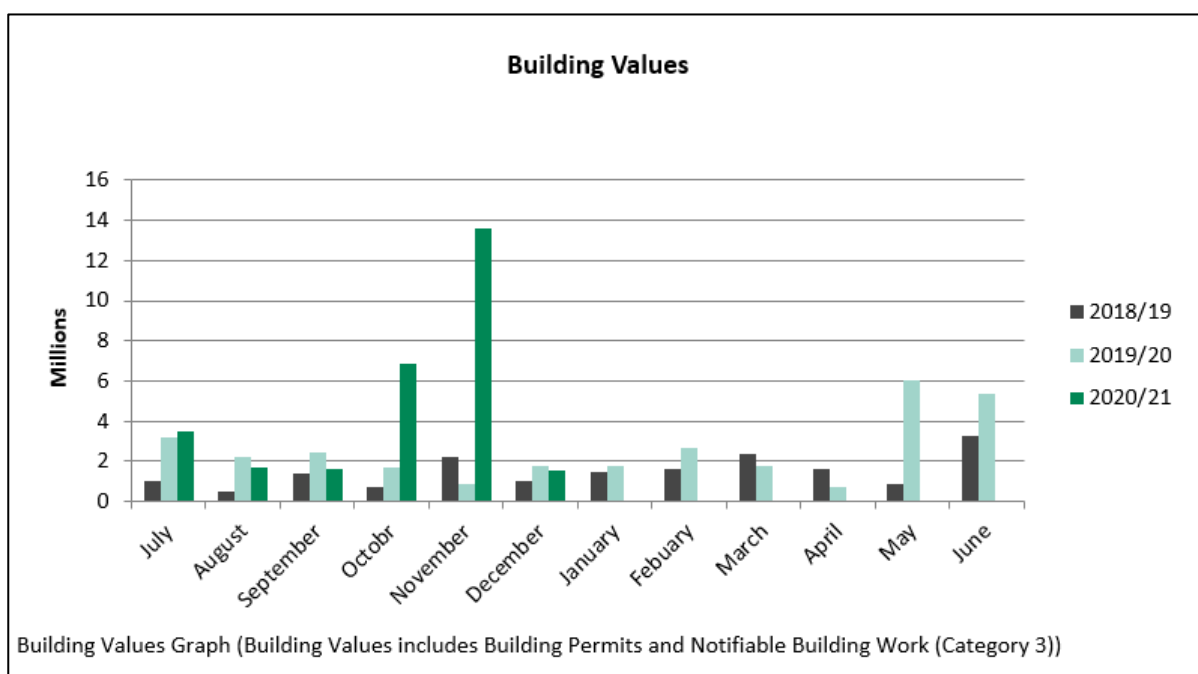
INFRASTRUCTURE AND DEVELOPMENT SERVICES

BUILDING

Building approval activity is higher and is trending 38% above previous financial year).

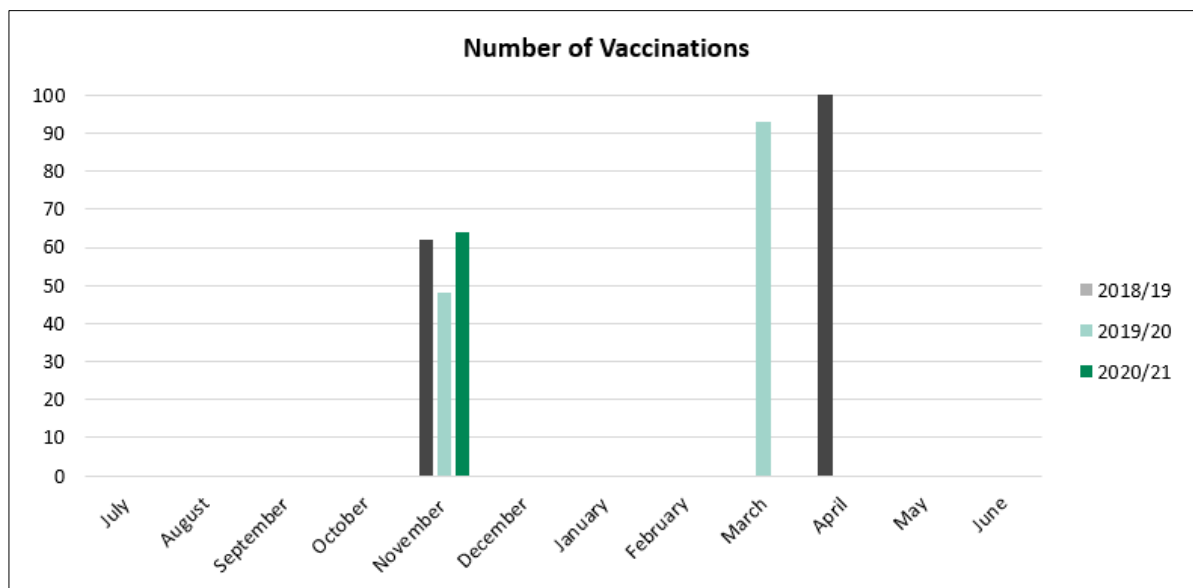


Building values:

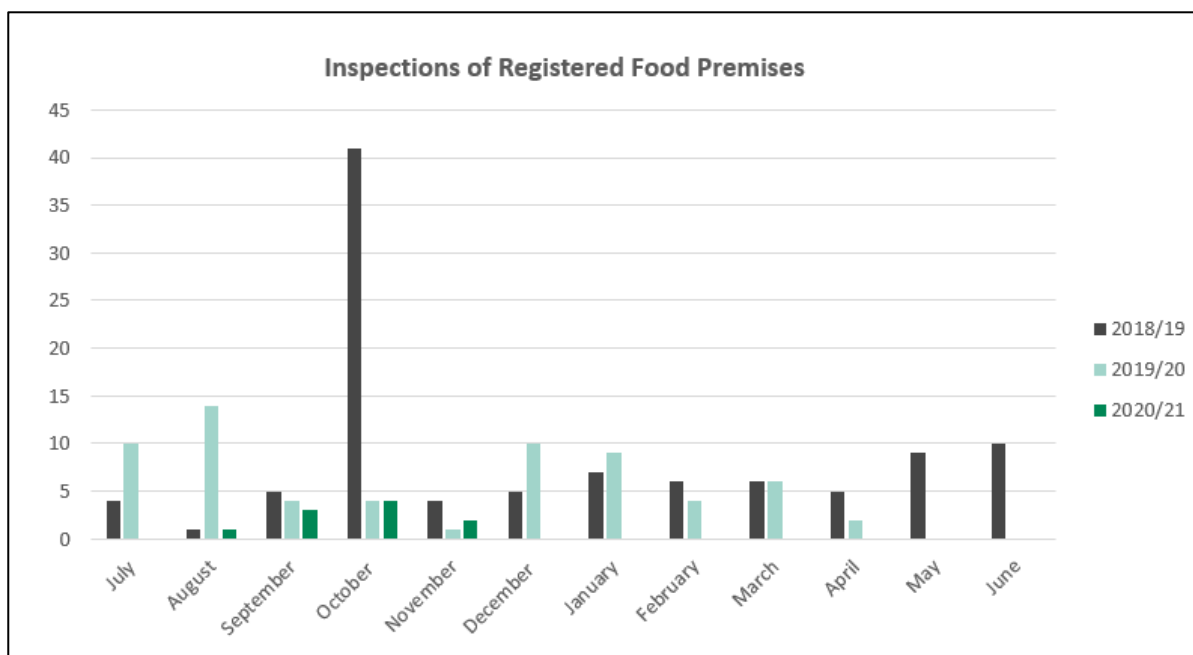


ENVIRONMENTAL AND PUBLIC HEALTH

Immunisations:



Inspections of Registered Food Premises:

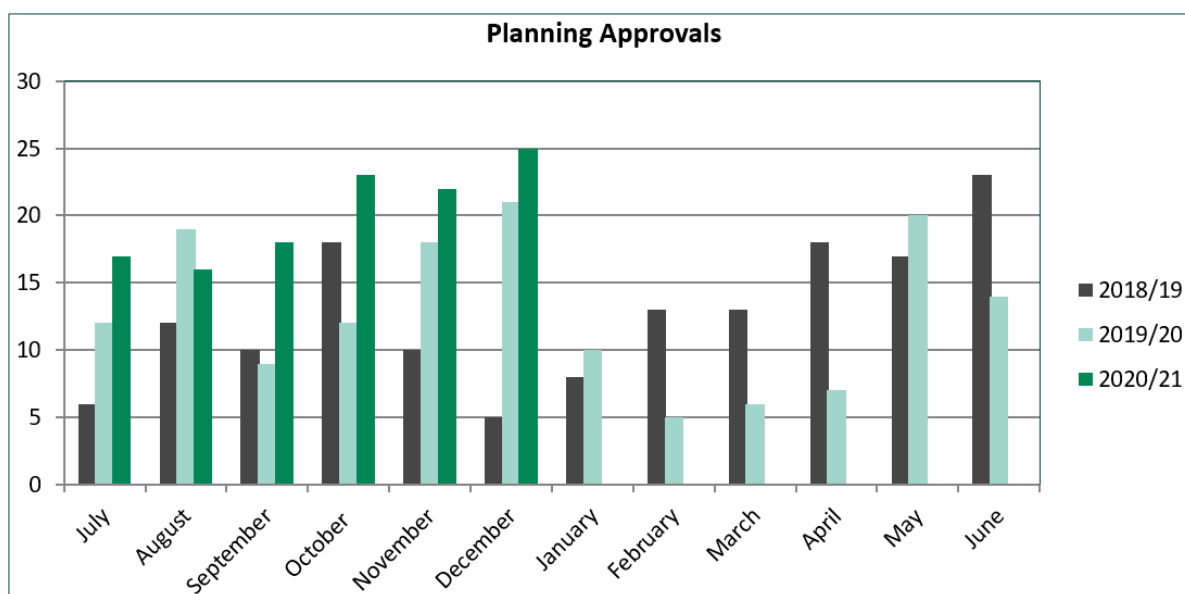


Health Approvals – Registrations:

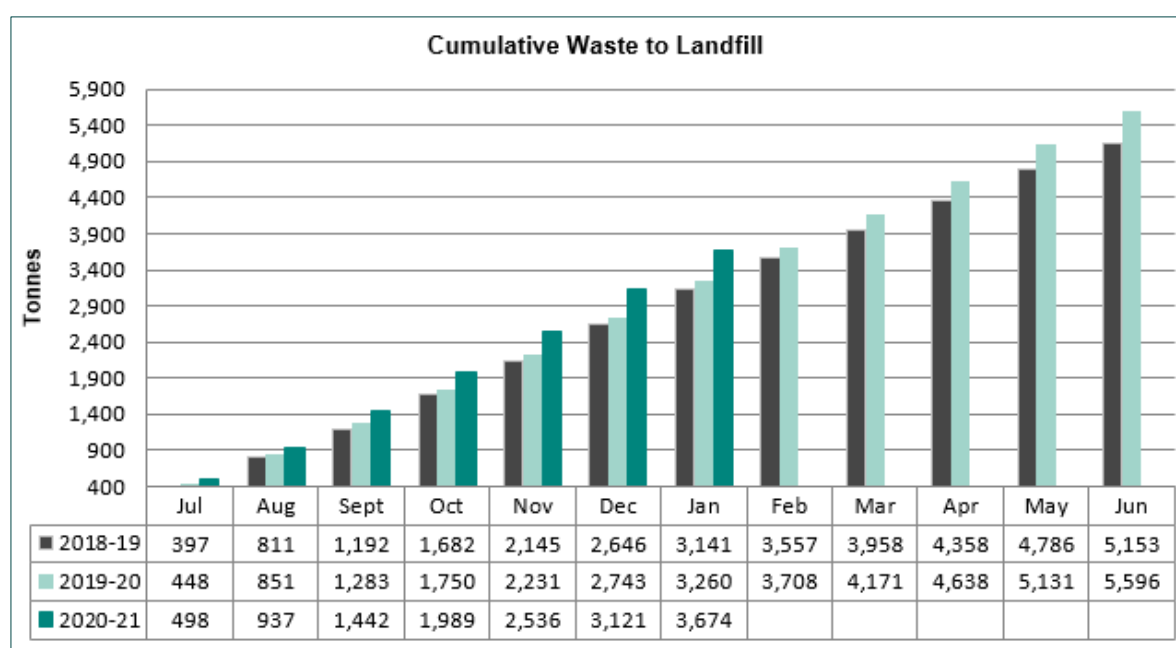
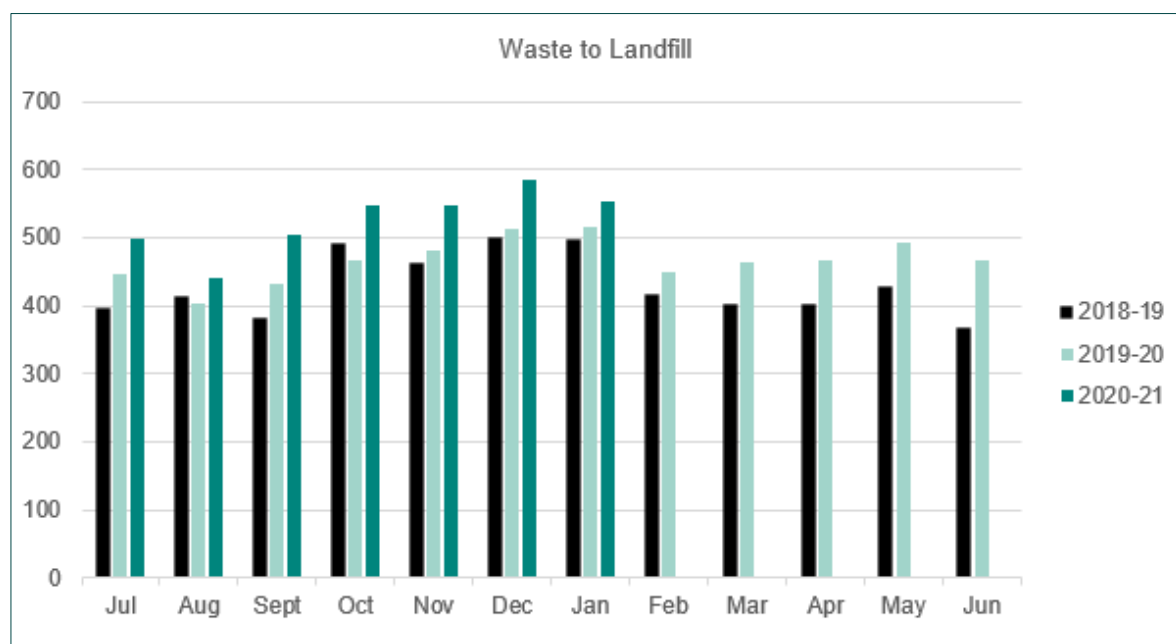
Month	Food Premises (FP)	Temporary Food Premises (TFP)	Places of Assembly (PA)	Public Health Risk Activities (PHRA)	Private Water Suppliers (PWS)	Regulated Systems Air Cooling Systems
July	0	1	0	1	0	8
August	46	0	0	1	0	0
September	30	4	1	2	0	0
October	11	3	0	1	0	2
November	2	2	0	0	0	0
December	3	6	0	0	0	1
January						
February						
March						
April						
May						
June						
TOTAL	92	16	1	5	0	11

PLANNING

Planning approval activity is higher and is trending 33% above previous financial year.



WASTE



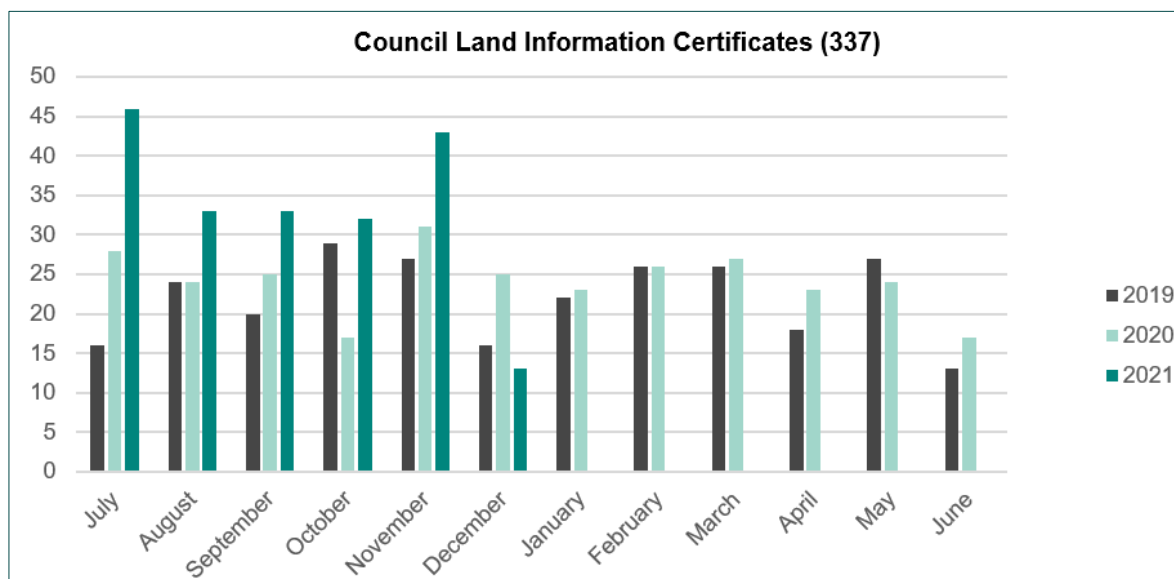
ORGANISATIONAL PERFORMANCE

Council and Land Information Certificate (337):

A Council Certificate 337 provides information about whether there are any outstanding notices, permits or orders in relation to a property.

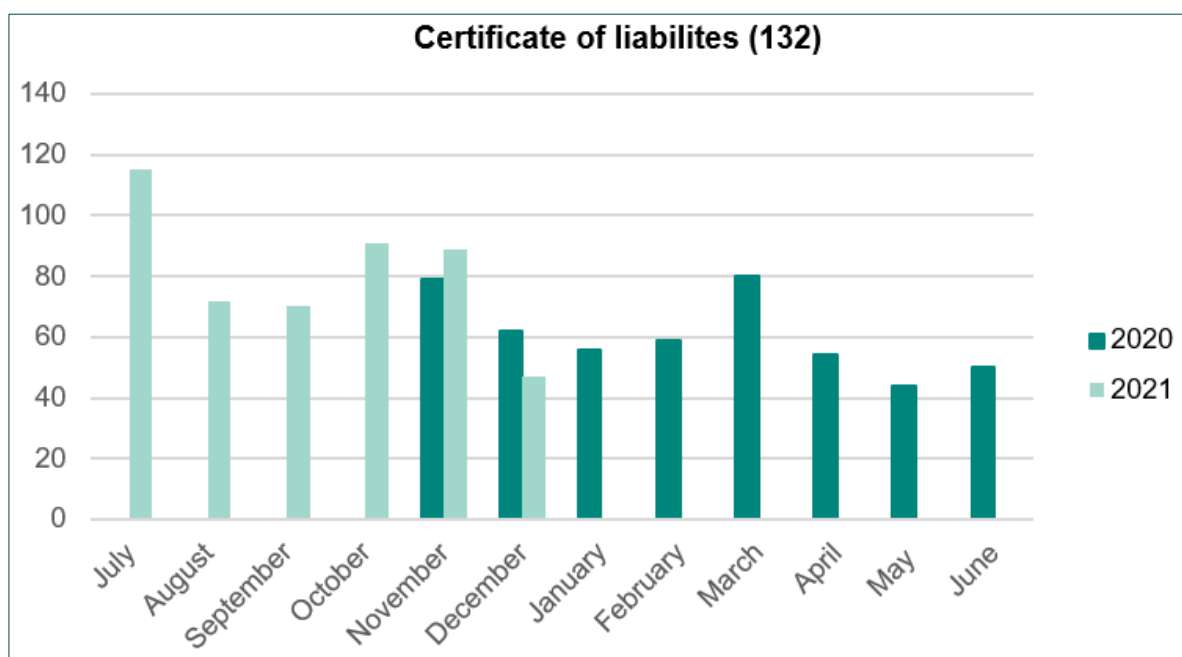
This may include:

- whether a Completion Certificate has been issued for building or plumbing permits;
- whether an Occupancy permit has been issued for a building; or
- whether there are any outstanding Orders on a site, etc. at the time of settlement.



Certificate of liabilities (132):

- (1) A person referred to in subsection (2) may apply to the general manager for a certificate stating:
- (a) the amount of any liability for rates, whether due or not on the land and outstanding interest or penalty payable in relation to the land;
 - (b) any amount received on account of rates that is held in credit against future liabilities for rates in relation to the land; and
 - (c) the amount of any charge on the land recoverable by the council.



STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

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

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

Council Strategy or Plan Reference

Council Strategy or Plan	Date Adopted:
Tourism Plan (2011- 2020)	Annual Plan Action
Waste Strategy 2019-2024	Adopted August 2019
Annual Plan and Budget 2020/21	

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

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

CONSULTATION PROCESS

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

CONCLUSION

The Departmental Quarterly Statistics Report for the months 1 July 2020 to the 31 December 2020 are presented and it is recommended that the report be noted.

MOVED BY	CR EDWARDS
SECONDED BY	CR COURTNEY

That Council note the Quarterly Statistics Report to 31 December 2020.

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

10.5 MINUTES OF OTHER BODIES/COMMITTEES

Nil received.

11.0 MATTERS PROPOSED FOR CONSIDERATION IN CLOSED MEETING

MOVED BY	CR FAIRBROTHER
SECONDED BY	CR BRADLEY

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

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

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

12.0 CLOSURE OF MEETING TO THE PUBLIC

MOVED BY	CR BRAMICH
SECONDED BY	CR HYLAND

That the Council RESOLVES BY AN ABSOLUTE MAJORITY to go into Closed Meeting to consider the following matters, the time being 7.30PM

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

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

13.0 RESUMPTION OF OPEN MEETING

At 7.39pm the Open Meeting was resumed.

14.0 PUBLIC RELEASE ANNOUNCEMENT**RECOMMENDATION**

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

Min. No.	Subject	Decisions/Documents
NIL		

THERE BEING NO FURTHER BUSINESS THE CHAIRPERSON DECLARED THE MEETING CLOSED AT 7.39pm.

Confirmed,

MAYOR

15 March 2021