



**ORDINARY MEETING
OF COUNCIL**

**MINUTES
OPEN MEETING**

15 March 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
TO BE HELD AT THE COUNCIL CHAMBERS, 21 SAUNDERS STREET, WYNYARD
ON MONDAY 15 MARCH 2021, COMMENCING AT 6.04PM**

	From	To	Time Occupied
Open Council	6.04PM	6.42PM	38MINS
Planning Authority	6.42PM	6.48PM	6MINS
Open Council	6.48PM	7.21PM	33MINS
Closed Council	7.21PM	7.31PM	10MINS
Open Council	7.31PM	7.31PM	0MINS
TOTAL TIME OCCUPIED			87MINS

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 Mary Duniam
Councillor Darren Fairbrother
Councillor Kevin Hyland

IN ATTENDANCE

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

1.2 APOLOGIES

Councillor Celisa Edwards

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 BRAMICH
SECONDED BY	CR DUNIAM

That the Minutes of the Ordinary Meeting of the Waratah-Wynyard Council held at Council Chambers, 21 Saunders Street, Wynyard on Monday 15 February 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 DUNIAM		CR FAIRBROTHER	CR HYLAND

MOTION

MOVED BY	MAYOR WALSH
SECONDED BY	CR DUNIAM

That Council, in accordance with Council Meeting Procedures Policy, bring forward Item 8.1 Notice of Motion re Fosters Road be brought forward prior to the Planning Authority section of the agenda.

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM		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

9/2/21	NBN Disaster Satellite Service – Media Launch
9/2/21	Meeting with General Manager
9/2/21	North West Community Market Meeting
11/2/21	Northern Tas Radio Spot
11/2/21	Martin Agatyn Radio Spot
12/2/21	DEPUTY MAYOR Settlement Strategy Media
15/2/21	Citizenship Ceremony
15/2/21	Council Meeting
16/2/21	Meeting with General Manager
17/2/21	Business North West Meeting
17/2/21	Wynyard Garden Club Presentation
20/2/21	DEPUTY MAYOR Sisters Beach Skate Park Opening
22/2/21	Mayors Message – Cardigan Street Rec Ground
23/2/21	Meeting with General Manager
26/2/21	Official Opening of the Industrial Hall (Wynyard Showgrounds)
2/3/21	Meeting with General Manager
3/3/21	Met with Constituent
9/3/21	Meeting with General Manager
9/3/21	NWCM meeting

MOVED BY	CR DUNIAM
SECONDED BY	CR HYLAND

That Council note the Mayors Communications

The MOTION was put and was CARRIED.

IN FAVOUR

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

4.3 REPORTS BY DELEGATES

Nil received.

4.4 NOTIFICATION OF COUNCIL WORKSHOPS

MOVED BY	CR DUNIAM
SECONDED BY	CR BRAMICH

That the Council note the following Councillor Workshops

22/2	West coast Renewable Energy Presentation Financial Management Strategy Funding and Grants Roadside Slashing North West Sale Yard and Truck Wash
1/3/21	Councillor Capital Works Tour
9/3/21	Business North West Presentation Annual Plan 2021/22 State Waste and Resource Recovery Bill LGAT General Meeting Motions

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM		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 - NXNW TOURISM FORUM

QUESTION

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.

OFFICERS RESPONSE

As outlined in the Council agenda, the General Manager attended the Regional Tourism Forum (morning session only) at the Paranapple Centre, Devonport on 29 January 2021.

Guest speakers at the forum were:

- Anne Greentree, Tourism Tasmania, on T21 Visitor Economy Recovery
- Luke Martin, TICT
- Panel Discussion, State-wide Tourism Operators, on the hypothesis “high end is less about price and more about experience”
- John Bertrand AO, keynote speaker
- Peter Gutwein, Premier of Tasmania

Points of interest from the forum include:

1. According to Air DNA and VRBO (data sources for short-stay accommodation), the North West has performed above the Tasmanian average over the past 12 months, despite (obviously) being down on previous year levels. This reflects the anecdotal trend of ‘southerners’ exploring parts of the State they haven’t explored for a while.
2. The much discussed “two-speed economy” between high-end and med-low range tourism products is actually more about attention to detail on delivering the visitor experiences, than simply the characteristics of traditional luxury/premium. Some lower priced accommodation offerings are doing better than higher priced ones with more attuned/considered visitor experiences, which seems to contradict the hypothesis that the market simply favours high end.
3. John Bertrand suggested that the way to truly innovate and compete in a highly competitive market is to think 20 years ahead. What will tourism look like in 10

years' time, not just next year or the year after. This is not easy to do, but critically important to stay ahead and maintain visitor appeal.

Points 2 and 3 above are particularly interesting for Waratah-Wynyard Council, given current projects under consideration within the area. For example, how might developments at Table Cape, the Tulip Festival and/or development of recreation spaces be delivered in a way that considers the visitor with acute attention to detail; and how might these fit within the visitor economy of 10-20 years' time?

Council has an Annual Plan action in 20/21 to "review and update the Tourism Plan and ensure consistency with the regional tourism direction". This work due by the end of the financial year, coupled with the recent Reimagining Our Regions report, the Destination Action Plan and work undertaken by regional and state bodies will formulate the future direction for tourism in the region.

5.1.2 MR J MCERLAIN - TRUCK WASH AND SALE YARDS

QUESTION

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

OFFICERS RESPONSE

The matter was discussed at the Councillor Workshop on Monday 22 February 2021.

Councillors determined that they would support the truck wash being located with the sale yards on the condition that the sale yards were located at Minna Road, Heybridge. Should the sale yards not go ahead at this location the Council will reconsider its position.

A letter of support was provided as requested on 25 February 2021.

5.2 PUBLIC QUESTIONS RECEIVED IN WRITING

Nil received.

5.3 PUBLIC QUESTIONS WITHOUT NOTICE

5.3.1 J MCERLAIN - TOURISM

Mr McErlain of Wynyard asked if Council would consider extending the brief of the recently advertised mapping project to the region and beyond. A current map for the region is in high demand by visiting tourists. There is an opportunity for a stylised version developed by local artists which he believes would be a hit with tourists and locals. The tourism arm of Business North West would like to work with council and artists to create a more comprehensive map.

The question was taken on notice.

5.3.2 C HUTCHISON - APOLOGY

Mr Hutchison of Preolenna requested an apology from Cr Fairbrother for comments made at the previous council meetings regarding himself.

Cr Fairbrother noted that he believed that the comments were appropriate in the context they were said.

5.3.3 MR C HUTCHISON - DIVERSITY IN ABUNDANCE

Mr Hutchison of Preolenna asked if the General Manager could explain what the Council branding "Diversity in Abundance" meant.

The General Manager noted that the term comes from the Council's Branding Strategy which was developed approximately three and half years ago and there was a lot of detailed information behind the slogan. He advised he would supply the detailed information.

5.3.4 C HUTCHISON - GLOBALISATION IMPACT ON THE COMMUNITY

Mr Hutchison of Preolenna asked the Mayor if he thought globalisation has been helpful or harmful or somewhere in between to communities in this area? What specifically have been the effects (positive, neutral, negative) of this phenomenon.

The question was taken on notice.

5.3.5 K WEBB - FOSTERS ROAD

Ms K Webb of Wynyard asked what evidence council provided to the Nomenclature Board in support of the change of name.

The question was taken on notice.

5.3.6 K WEBB- FOSTERS ROAD

Ms K Webb of Wynyard asked what gives precedence to the Forster family over the residents effected on Foster's Road.

The Director of Organisational Performance noted that the Council's policy in regards to naming of roads is to ensure that changes to (or new) addresses meet the guidelines set by the Nomenclature Board and the legislation. There is not necessarily a default position and each matter is considered individually. The council meeting record shows there was significant debate on this matter. The Director also noted that the registrar approved the request therefore indicating council had followed guidelines.

5.4 PUBLIC STATEMENTS RECEIVED IN WRITING

Nil received.

5.5 PUBLIC STATEMENTS WITHOUT NOTICE

5.5.1 J MCERLAIN - REGIONAL TRUCK WASH

Mr McErlain of Wynyard made a statement regarding various matters including:

- Business North West (BNW) would like to thank Council for their letter of support for the regional truck wash and new sale yards for the Minna Road site which is long overdue. He noted that an announcement is expected in the near future.
- He advised that BNW, Events Tasmania and WxNW were organising a Tourism Forum on 22 April in Burnie and he hoped that Council representative's would attend.
- He noted the Sustainable Murchison Plan 2040 update on tonight's agenda and the advertisement for an economic development officer. He noted that as a representative of BNW he looked forward to working with council to champion economic growth in the area.

5.5.2 C HUTCHISON - FREEDOM CAMPING AND OLDINA RESERVE

Mr Hutchison of Preolenna noted that it has been some time since any updates had been received on questions regarding Oldina Reserve, Freedom Camping and the Settlement Strategy progress. He also noted that the Sale of Ballard Avenue report listed the new settlement strategy as justification for sale when the strategy is only a draft and wondered how can this be right.

5.5.3 J SAWARD - FOSTERS ROAD

Mr Saward of Wynyard made the following statement:

Renaming Fosters Road to Forsters Road. March 2021

The Council's decision at the meeting of September 21, 2020, was to leave the name as Fosters Road, as per the survey result of affected residents.

The meeting of October 19, 2020, breached the guidelines on name changing, by making a decision against the majority of affected residents, in so much that The Council is bound by the Tasmanian Place Naming Guidelines September 2020. The Guidelines definition of the word **must**, is **mandatory**. I find Section 3.3 from The Guidelines to be the most relevant, but by no means the only section that needs to be addressed by Council. It reads:

3.3. Altering a name

Place names are intended to be enduring and the changing of an established name merely to correct or reestablish historical usage is not to be considered in itself a reason to change a name unless it is deemed to be in the public interest or for safety reasons. Consideration needs to be given to the effects upon the wider community including emergency services of the consequences of altering a name.

Where the spelling of names have been found to be altered or corrupted by long established usage it is preferred that these names which have since been widely used and sanctioned by the community, are retained in their current form. The historically correct origin should be noted in the *Placenames Tasmania* register against the feature.

Alterations of road names can be considered if there is a requirement to remove ambiguity or provide clarification for addressing purposes.

Any proposals to alter a name must provide a compelling reason for doing so and must provide evidence of strong community consultation and support for such a change. For features that impact upon residents such as road names, the overwhelming majority of affected residents must be supportive of the change.

Council conducted a survey, of the 16 affected residents properties, on the proposed change.

The results were:

- 50 % response rate
- 75% of respondents were against the change.

The Councillors are bound by the Local Government (Model Code of Conduct) Order 2016 (amended December 2018) and Council's own Councillors Code of Conduct. I bring to your attention, from **Content to accompany the Model Code of Conduct**.

Principles of good governance:

By adopting this Code of Conduct, councillors commit to the overarching principles of good governance by being:

Accountable - Explain, and be answerable for, the consequences of decisions made on behalf of the community.

Transparent - Ensure decision making processes can be clearly followed and understood by the community.

Law-abiding - Ensure decisions are consistent with relevant legislation or common law, and within the powers of local government.

In recent discussions with Councillors, I cannot see that any of these things have been covered in a satisfactory manner in regard to this matter. From the outside it appears that one or two councillors have been able to sway the other councillors prior or during the October meeting with no extra facts being offered that I can see from viewing the meeting. It comes across to me that maybe personalities & not the issue may have been the reason for the October decision.

I pose these questions for the councillors to ponder as if they were not councillors.

How would you feel if your address was proposed to be changed, went to council and the change was rejected as per the majority of you & your neighbours wishes and you believed that the matter was closed only to find 4 months later from community members that the council had decided to change it anyway. You then hear from a neighbour that they have been ringing some councillors to find out what is going on & one councillors answer is that it is a done deal, so get over it. Next you receive a blunt letter from council that it had been changed, oh and by the way council have notified all the easy bodies of this change, but you will have to go online & find out for yourself which ones.

Would you feel bullied? belittled? of no account? offended? outraged? blindsided?

After viewing the recordings of these meetings, would you be left wondering if there was a hidden agenda in this matter?

I personally have thought & feel these things in the manner this has been dealt with.

John Seward



5.5.4 K WEBB - FOSTERS ROAD

Ms Webb of Wynyard made the following statement:

I refer to the Tasmanian Place Naming Guidelines, that in accordance with the Place names Act 2020, the Council are to comply with the relevant provisions of the guidelines.

3.3 Altering a road name.

Place names are intended to be enduring and the changing of an established name merely to correct or re-establish historical usage is not to be considered in itself a reason to change a name, unless it is deemed to be in the public interest or for safety reasons. Given this, the re-naming of Fosters Road to Forsters Road for historical reasons and to correct a supposed spelling mistake is in breach of the Act and these guidelines. Also, we the residents do not deem the name change to be in our best interest nor the wider community and do not deem there to be any safety issues to support the name change either.

Where the spelling of names have been found to be altered or corrupted by long established usage, it is preferred that these names, which have since been widely used & sanctioned by the community are retained in their current form. The historically correct origin should be noted in the Place Names Tasmania Register against the feature. Fosters Road is considered to be a long established used name and as such should remain Fosters Rd.

Alterations of road names can be considered if there is a requirement to remove ambiguity or provide clarification for addressing purpose. The original name Fosters does not present any ambiguity nor does it need to be changed for the clarification for addressing purposes.

Any proposals to alter a name must demonstrate a compelling reason for doing so, and must provide evidence of strong community consultation & support for such a change. For features that impact upon residents, such as road names, the majority of affected residents must be supportive of the change.

Given that, to correct or re-establish historical usage is not to be considered in itself a reason to change a name, the council have not presented a compelling reason to support this name change and so the name change is in breach of the act and the guidelines. Also, given that this is a road name and considered a feature that impacts upon residents and the majority of affected residents do not support the change, again the change is in breach. Considering all of this, it begs the question, should this have even gone to council vote in the first place, and as such remained Fosters Rd.

Any proposal to alter a road name must provide evidence that the affected residents have been strongly consulted with and that the majority support the change. Considering the lack of consultation through the process, apart from the initial survey, and the fact that the majority of affected residents do not support the change,

what evidence to support the proposal did the council submit to the relevant authority?

Section 3.3 of the guidelines, *Altering A Road Name*, is in place to consider those most affected by any feature name change, this being the affected residents. It states in the act that Council are to comply with the relevant provisions of the guidelines. In this case, the Council has not complied and has not taken into consideration the full effect of the change on the affected residents. This act and guidelines has been put into effect to clarify how decisions relevant to this are to be made, yet the council have not followed this and as such has made a bias decision by prioritising a non-affected family's opinion and family history over effected residing families of Fosters Rd.

I can assure you; this means more to us than just an inconvenience. We have our personal reasons that effects both us and our children for wanting the road name to remain Fosters Rd. However, our reasons why we do not want the name changed are irrelevant, the guidelines state you require our support, not our reasons so that you can assess them and decide whether you prefer them over the Forster family, this would only influence a bias decision and given that council is not to make bias decisions, I am not here to do that. In saying this, I understand that the decision to change the name was out of respect for the Forstor family however what gives precedence to their family over the effected families of Fosters Rd?

NOTE: Item 8.1 – Notice of Motion re Fosters Road was discussed and voted on. Refer item 8.1 in agenda.

6.0 PLANNING AUTHORITY ITEMS

PLANNING AUTHORITY OPENED AT 6.42PM

6.1 PUBLIC QUESTIONS WITHOUT NOTICE – RELATING TO PLANNING MATTERS




Nil received.

6.2 PUBLIC STATEMENTS - RELATING TO PLANNING MATTERS

Nil received.

6.3 DWELLING, OUTBUILDING, AND ASSOCIATED EARTHWORKS LOCATED AT 5 IRBY BOULEVARD, SISTERS BEACH - DA146/2020

To: Council
Reporting Officer: Town Planner
Responsible Officer: Manager Development and Regulatory Services
Report Date: 22 February 2021
File Reference: 9949654

Supporting Documents: 1. Submitted application documents 
2. Representation 1. 
3. Extension of time agreement 

PURPOSE

The purpose of this report is for Council to consider the merits of Development Application DA 146/2020 against the requirements of Council's Planning Scheme

BACKGROUND

The subject site is located at 5 Irby Boulevard, Sisters Beach and comprises of 611m². It is within the Low Density Residential zone. The adjoining title to the north-west (7 Irby Boulevard) contains an existing dwelling. The adjoining title to the south-east (3 Irby Boulevard) is currently vacant.

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



Figure 1: Subject Site

DETAILS

The applicant is seeking approval for a Dwelling, Outbuilding and associated earthworks on a property described as 5 Irby Boulevard, Sisters Beach (CT 1/176249). The property is a vacant lot located in a residential area populated by a mix of single dwellings.

The proposed dwelling is two storeys and consists of one bedroom, a bathroom, living, kitchen and laundry on the first floor and a garage and toilet on the ground floor. The proposed outbuilding is 10m x 7m in area and is located between the dwelling and Irby Boulevard.

This report assesses the proposal against the *Waratah-Wynyard Interim Planning Scheme 2013* (the Planning Scheme) and takes into account any representations received during the public exhibition period. The subject property is zoned Low Density Residential under the Planning Scheme. The proposal is defined as a 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 12.4.1 (P1);
- Dwelling density 12.4.2 (P1); and
- Location and configuration of development 12.4.3 (P2, P4).

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 21 December 2020. One (1) representation has been received.

Additional information regarding the earthworks associated with the proposal was submitted to Council in relation to concerns raised regarding retaining walls within the representation. Therefore, the application was re-advertised and placed on public exhibition for a further period of 14 days. The period for representations closed on 17 February 2021 and no further submissions were 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 – J Spinks

Issues raised:	Response:
Application doesn't comply with the acceptable solution for rear boundary and western boundary setback for low density residential zoned. This has significant effects on the adjoining property (owned by J Spinks)	As addressed within the assessment of 12.4.3, the proposal does not comply with the acceptable solutions in relation to setbacks and has been assessed against the performance criteria. The proposal is considered to comply with the performance criteria and there is no significant impacts identified for adjoining property under the relevant performance criteria.
Overall height of development and setback to rear boundary will	The building has an overall height of 6.83m and complies with the building envelope provisions in relation to height.

significantly / completely block the north-eastern view to the western property (7 Irby Boulevard)	The building does encroach on the rear setback (which is addressed in the assessment of 12.4.3), however the performance criteria does not consider the blocking of views of adjoining properties as part of the performance criteria, and therefore it is not a relevant planning matter.
Concerns raised regarding existing retaining wall on the western boundary.	The proposal includes excavation and the construction of new retaining walls as part of the proposal. The application has demonstrated compliance with the Change in Ground Level code acceptable solutions. The condition of the existing retaining wall is not a matter that is relevant to the application.

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.

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

Road access and stormwater is to be in accordance with pre-lodgement advice dated 8 September 2020.

EXTERNAL REFERRALS

The application was not referred to any external agencies.

PLANNING ASSESSMENT

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

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

12.4.1 (P1) Suitability of a site or lot for use or development

<p>A1</p> <p>A site or each lot on a plan of subdivision must –</p> <p>(a) have an area of –</p> <p>(i) not less than 500m² excluding any access strip; or</p> <p>(ii) if in a locality shown in the Table to this clause, not less than the site area shown for that locality; and</p> <p>(b) contain a building area of not less than 10.0m x 15.0m –</p> <p>(i) clear of any applicable setback from a frontage, side or rear boundary;</p> <p>(ii) clear of any applicable setback from a zone boundary;</p> <p>(iii) clear of any registered easement;</p> <p>(iv) clear of any registered right of way benefitting other land;</p> <p>(v) clear of any restriction imposed by a utility;</p> <p>(vi) not including an access strip;</p> <p>(vii) accessible from a frontage or access strip; and</p> <p>(viii) if a new residential lot, with a long axis within the range 30° east of north and 20° west of north</p>	<p>P1</p> <p>A site or each lot on a plan of subdivision must</p> <p>(a) be of sufficient area for the intended use or development without likely constraint or interference for –</p> <p>(i) erection of a building if required by the intended use;</p> <p>(ii) access to the site;</p> <p>(iii) use or development of adjacent land;</p> <p>(iv) a utility; and</p> <p>(v) any easement or lawful entitlement for access to other land; and</p> <p>(b) if a new residential lot, be orientated to maximise opportunity for solar access to a building area</p>
<p>Planning Comments: Complies</p> <p>The subject site has an area of 611m² and which is less than the 800m² prescribed for Sisters Beach. Assessment against the performance criteria is required.</p> <p>The site coverage of the development is 33%, ensuring sufficient space for development and access. The property is connected to the reticulated sewer network, therefore on-site treatment is not required. The subject site is not constrained by any easements or utilities and the proposed development site has sufficient area for the proposed development without likely constraint or interference to access or use or development of adjacent land.</p> <p>Subclause (b) is not applicable, as it is a pre-existing lot.</p> <p>The proposal therefore complies with P1.</p>	

12.4.1 (P5) Suitability of a site or lot for use or development

<p>A5</p> <p>A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater –</p> <p>(a) to a stormwater system provided in accordance with the Urban Drainage Act 2013; or</p> <p>(b) if stormwater cannot be drained to a stormwater system –</p>	<p>P5</p> <p>(a) A site or each lot on a plan of subdivision must drain and dispose of stormwater –</p> <p>(i) to accommodate the anticipated stormwater –</p> <p>a. currently entering from beyond its boundaries; and</p> <p>b. from the proposed development;</p> <p>(ii) without likelihood for concentration on adjacent land;</p>
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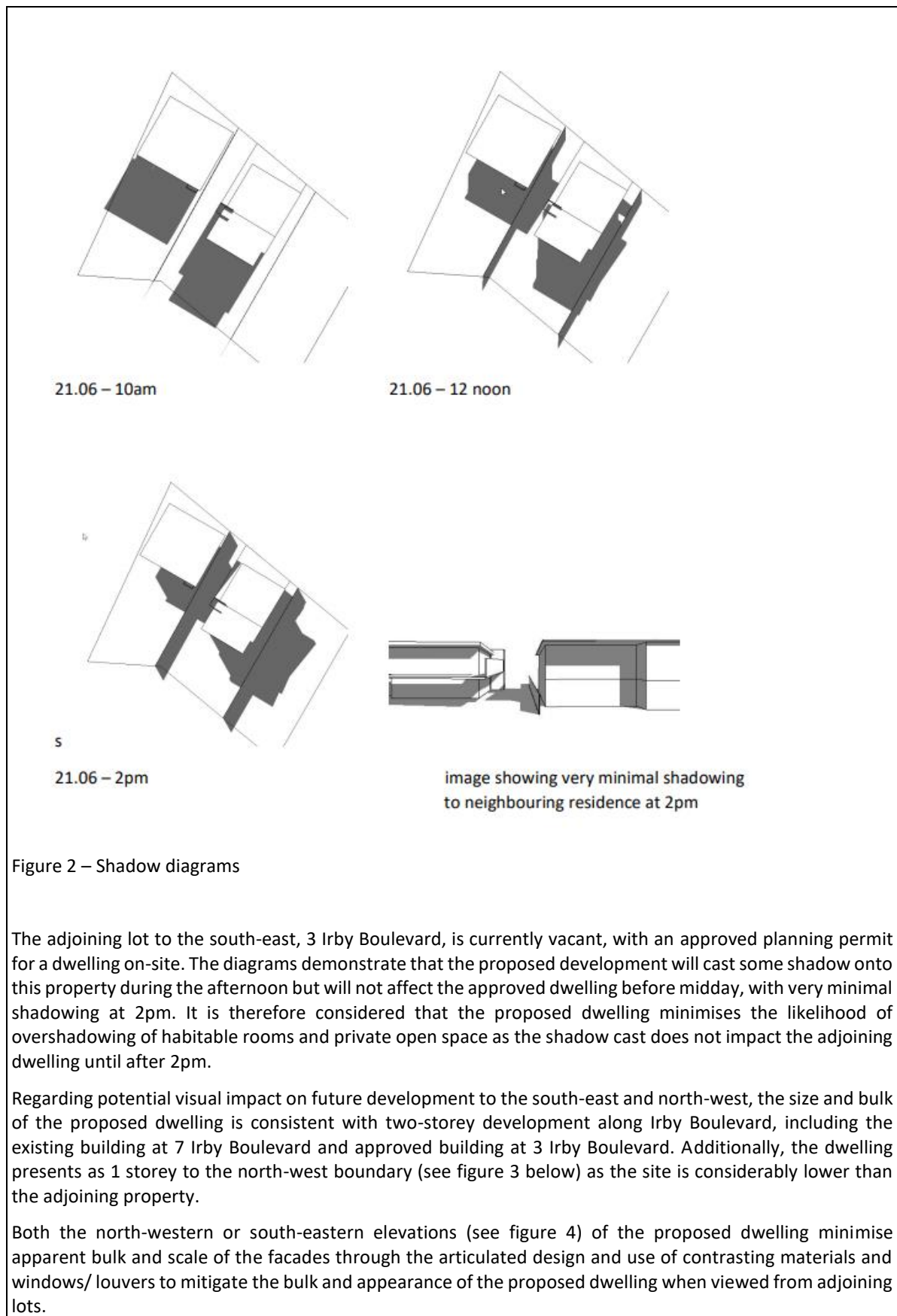
<ul style="list-style-type: none"> (i) for discharge to a natural drainage line, water body, or watercourse; or (ii) for disposal within the site if – <ul style="list-style-type: none"> a. the site has an area of not less than 5000m²; b. the disposal area is not within any defined building area; c. the disposal area is not within any area required for the disposal of sewage; d. the disposal area is not within any access strip; and e. not more than 50% of the site is impervious surface; and (iii) the development is for a single dwelling 	<ul style="list-style-type: none"> (iii) without creating an unacceptable level of risk for the safety of life or for use or development on the land and on adjacent land; (iv) to manage the quantity and rate of discharge of stormwater to receiving waters; (v) to manage the quality of stormwater discharged to receiving waters; and (vi) to provide positive drainage away from any sewer pipe, on-site sewage disposal system, or building area; or <p>(b) It must be unnecessary to require arrangements for the drainage and disposal of stormwater</p>
<p>Planning Comments: Complies</p> <p>The development cannot be drained to a stormwater system and therefore is required to be assessed against the performance criteria.</p> <p>The application proposes on-site disposal of stormwater in accordance with the pre-lodgement advice (dated 8 September 2020) provided by Council. Preliminary advice provided by the applicant from Environmental Service and Design indicates the site can dispose of stormwater without impact on adjacent land. The advice states <i>“The stormwater disposal area you show is more than adequate as the overflow is going to have a near vertical passage straight through the sand”</i>.</p> <p>The proposal is considered to comply with the performance criteria.</p>	

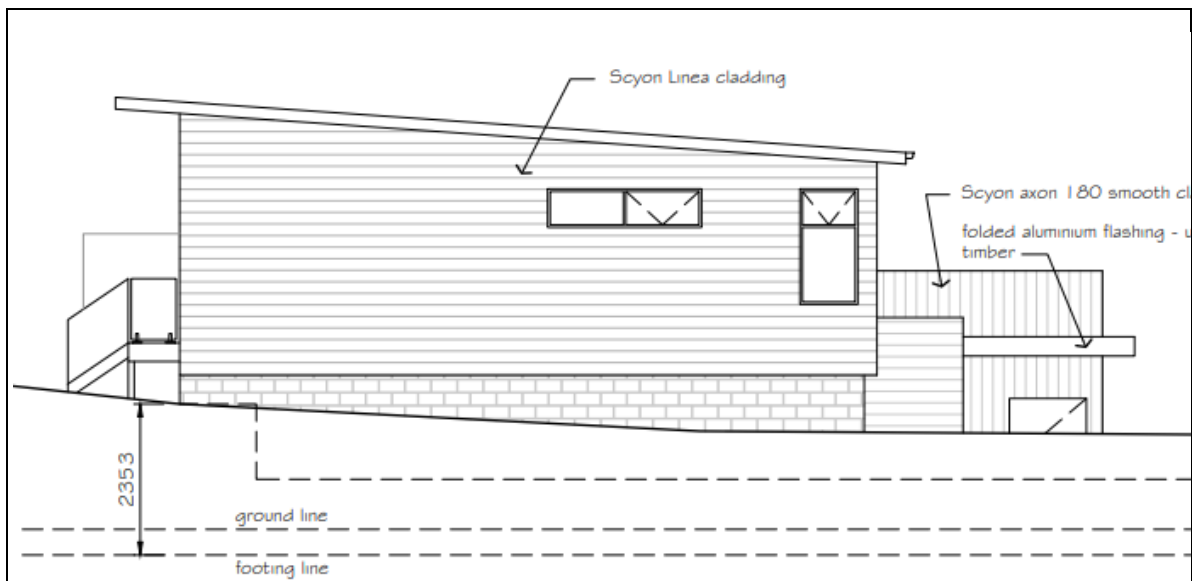
12.4.2 (P1) Setbacks and building envelope for all dwellings

<p>A1</p> <p>The site area per dwelling must –</p> <ul style="list-style-type: none"> (a) be not less than 500m² if the site has- <ul style="list-style-type: none"> (i) connection to a reticulated water supply; (ii) connection to a reticulated sewer system; and (iii) connection to a stormwater system; or (b) if the site is in a locality shown in the Table to this Clause, not less than the site area for that locality. 	<p>P1</p> <p>The number of dwellings on a site must be consistent with the capability of the land for residential use in terms of –</p> <ul style="list-style-type: none"> (a) a suitable building area; (b) access from a road; (c) provision of a water supply; (d) disposal of sewage; (e) disposal of stormwater; and (f) a tolerable level of risk from a natural hazard.
<p>Planning Comments: Complies</p> <p>The subject site has an area of 611m² and which is less than the 800m² prescribed for Sisters Beach. Assessment against the performance criteria is required.</p> <p>One dwelling is proposed on the subject site which is consistent with the capability of the land for residential use. The site coverage of the development is 33%, ensuring sufficient space for development and access. The property is connected to the reticulated sewer network, therefore on-site treatment is not required. The subject site is not constrained by any easements or utilities and the proposed development site has sufficient area for the proposed development. No hazard overlays impact the site.</p> <p>The proposal therefore complies with P1.</p>	

12.4.3 Location and configuration of development

<p>A2</p> <p>All buildings must be contained within a building envelope determined by-</p> <ul style="list-style-type: none"> (a) the applicable frontage setback; (b) if the site is in a locality shown in the Table to this Clause, not less than the setback distance specific from the feature specified; (c) projecting a line at an angle of 45o from the horizontal at a height of 3.0m above natural ground level at each side boundary and at a distance of 4.0m from the rear boundary to a building height of not more than 8.5m above natural ground level if walls are setback - <ul style="list-style-type: none"> (i) not less than 1.5m from each side boundary; or (ii) less than 1.5m from a side boundary if wall height is not more than 3.0m; and – <ul style="list-style-type: none"> a. built against an existing wall of an adjoining building; or b. the wall or walls - <ul style="list-style-type: none"> i. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land; ii. there is no door or window in the wall of the building; and iii. overshadowing does not result in - <ul style="list-style-type: none"> a. less than 2 hours of continuous sunlight to a required minimum private open space area in an adjacent dwelling between 9.00am and 3.00pm on 21st June; or b. a further reduction in continuous sunlight to a required minimum private open space area in an adjacent dwelling if already less than 2 hours between 9.00am and 3.00pm on 21st June; or <p>(d) in accordance with any building envelope shown on a sealed plan</p>	<p>P2</p> <p>Building height and location of a building in relation to a frontage and site boundaries must -</p> <ul style="list-style-type: none"> (a) minimise likelihood for overshadowing of a habitable room or a required minimum area of private open space in any adjacent dwelling; (b) minimise the apparent scale, bulk, massing and proportion relative to any adjacent building; (c) be consistent with the streetscape; (d) respond to the effect of the slope and orientation of the site; and (e) provide separation between buildings to attenuate impact
<p>Planning Comments: Complies</p> <p>The proposed dwelling is two storeys with a maximum height of 6.853m. It is setback 19.38m from the frontage onto Irby Boulevard, 1.081m (at its closest point) from the north-western side boundary, 3.2m to the façade of the dwelling to the north-eastern rear boundary and 0.9m from the south-eastern side boundary. An unroofed deck is attached the dwelling at the rear of the site which extends to the rear north eastern boundary at the southern end of the dwelling. The proposed dwelling is compliant with setback requirements from the frontage onto Irby Boulevard. Assessment against P2 for this Clause is required in relation to setbacks from the rear and side boundaries.</p> <p>The proposed outbuilding is setback 4.513m from the frontage onto Irby Boulevard and 1.5m from the north western side boundary. The outbuilding is contained within the building envelope.</p> <p>Shadow diagrams indicating the extent of shadow cast by the proposed dwelling onto both the subject site and adjoining lots was submitted as part of the application. The diagrams are based on the winter solstice, i.e. the worst-case scenario. The diagrams are shown in Figures 2 below.</p>	

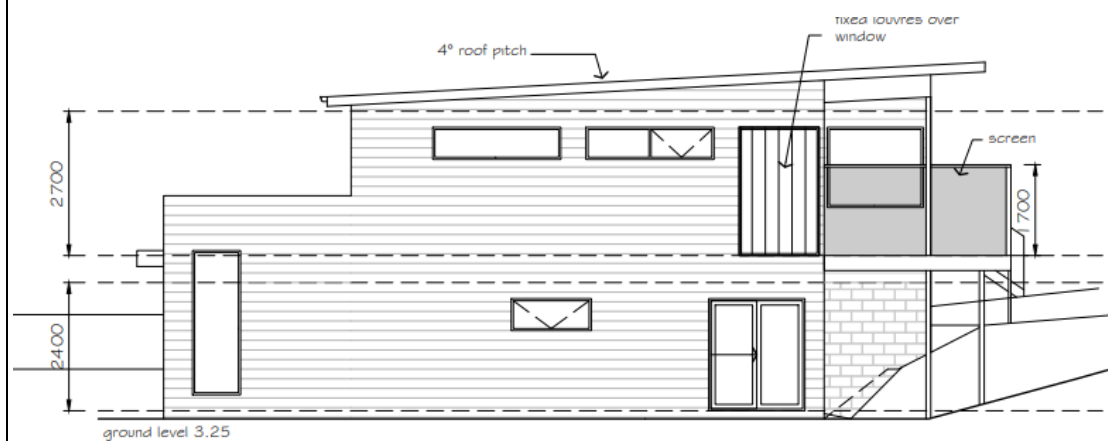




WESTERN ELEVATION

Scale 1:100

Figure 3 – Proposed dwelling elevation north-western side boundary



EASTERN ELEVATION

Figure 4 – Proposed dwelling south-eastern elevation.

The proposed dwelling is located towards the rear of the site, 3.2m from the rear boundary with the proposed unroofed deck extending to the boundary at the southern side of the dwelling (see figure 5 site plan below).

	<p>(a) not dominate the architectural or visual frontage of the site;</p> <p>(b) be consistent with the streetscape;</p> <p>(c) be required by a constraint imposed by size, shape, slope, orientation, and topography on development of the site; and</p> <p>(d) provide durable physical screening to attenuate appearance of the parking or loading area from a frontage and adjacent land</p>
<p>Planning Comments: Complies</p> <p>The proposed outbuilding is located forward of the building line of the dwelling and therefore requires assessment against the performance criteria.</p> <p>The building will not dominate the architectural or visual frontage of the site as it is positioned to the northern side allowing views to the main dwelling that sits behind. Irby boulevard consists of many other sites where outbuildings are forward of the main dwelling therefore the proposed outbuilding is consistent with the streetscape.</p> <p>Due to the size, orientation and topography of the site the dwelling and outbuilding cannot be positioned to comply with the acceptable solution. The dwelling is located to the northern end of the site to take advantage of sunlight, and the topography and size of the site does not allow for the building to be positioned adjacent to or behind the main dwelling.</p> <p>No parking area or loading area is proposed, however the garage benefits from the topography of the land and the outbuilding will sit below the ground level of the adjoining sites and the main part of Irby Boulevard, thereby effectively screening the bulk of the outbuilding from the northern approach.</p> <p>The proposal is considered to comply with the performance criteria P4.</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 as part of this report

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

There 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 and outbuilding complies with either the acceptable solution or satisfy the performance criteria for all applicable standards of the Planning Scheme. The proposal makes appropriate use of the residential lot and will not have an adverse impact on adjoining properties

The application is considered to comply with the Low Density Residential Zone provisions, the Traffic Generating Use and Parking Code provisions and the Change in Ground level Code provisions for the *Waratah-Wynyard Interim Planning Scheme 2013*. It is therefore recommended that Council approve a planning permit for the application.

MOVED BY	CR HYLAND
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, Outbuilding and associated earthworks at 5 Irby Boulevard, Sisters Beach 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 Plans with Project Number 1920-42 and Drawing Numbers A.01 to A04, A08 to A12, A15, and A16 dated 2 December 2020, as prepared by Rosene Cox Building Design and Drafting.**

- (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) **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.**

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 146/2020. 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.
- Road access and stormwater is to be in accordance with pre-lodgement advice prepared by Council and dated 8 September 2020.
- Contact Australia Post for 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 DUNIAM		CR FAIRBROTHER	CR HYLAND

6.4 DWELLING & ASSOCIATED EARTHWORK LOCATED AT 108 IRBY BOULEVARD, SISTERS BEACH- DA183/2020

To: Council
Reporting Officer: Town Planner
Responsible Officer: Manager Development and Regulatory Services
Report Date: 26 February 2021
File Reference: 7089810, 9724368

Supporting Documents: 1. Application Documentation 
2. DPIPWE comments 
3. Representation 1 
4. Representation 2 
5. Extension of time agreement 

PURPOSE

The purpose of this report is for Council to consider the merits of the application DA 183/2020 against the requirements of the *Waratah-Wynyard Interim Planning Scheme 2013* (Planning Scheme).

BACKGROUND

The subject site is located at 108 Irby Boulevard, Sisters Beach (CT 164/57115) and 2 Postmans Court, Sisters Beach (CT 1/178028).

The site at 108 Irby Boulevard, Sisters Beach is located in the Low Density Residential Zone as are all lots fronting onto Irby Boulevard to the east and west of the lot. Whilst 2 Postmans Court, Sisters Beach is located in the Rural Living Zone.

The subject site being both 108 Irby Boulevard and 2 Postmans Court are both vacant parcels of land. 108 Irby Boulevard is a large residential lot measuring approximately 32m wide by approximately 36m deep, however it is constrained by an open channel watercourse which also operates as a drainage system that flows into Council's reticulated stormwater network in the southern side of the road reservation of Irby Boulevard. The watercourse has several trees located alongside the banks. A locality plan is provided below.

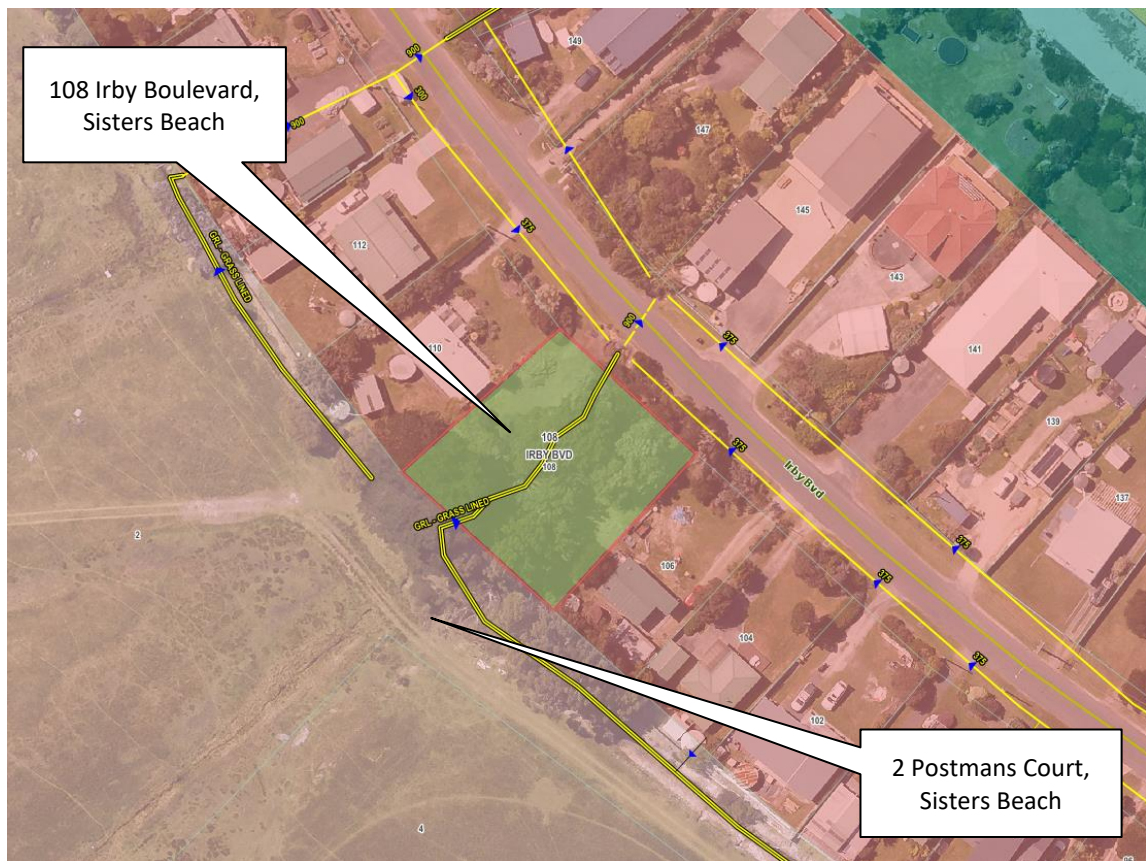


Figure 1- Subject Site – Sourced MapInfo (November 2020)

DETAILS

The applicant is seeking approval for a two-bedroom, single storey dwelling, with single bathroom, open plan living, dining and kitchen that opens onto a deck on the east and the south at 108 Irby Boulevard, Sisters Beach.

The application also details some minor earthwork located at the western end of the drainage channel located at 2 Postmans Court, Sisters Beach and some additional minor earthwork at the southern end of the drainage channel of 108 Irby Boulevard.

The proposed dwelling is to be setback 1.5m from the western side boundary and 4m from the edge of the watercourse/natural drainage channel. The new dwelling will be clad in Colorbond Custom Orb Surfmist with a raised slab height to a FFL of 6.8m. A new crossover will be located at the north-western corner of the lot fronting onto Irby Boulevard in order to provide access to the dwelling.

This report assesses the proposal against the *Waratah-Wynyard Interim Planning Scheme 2013* (the Planning Scheme) and takes into account the representations received during the public exhibition period. The proposal is defined as a Residential Use Class, a Permitted use under the Planning Scheme. The applicant is applying for discretion under the following clauses:-

- Suitability of a site or lot for use or development 12.4.1(P1);
- Location and configuration of development 12.4.3 (P4);
- Change in existing ground level or natural ground level E4.6.1 (P1); and
- Development in proximity to a water body, watercourse or wetland E10.6.1 (P1).

CONSULTATION PROCESS

The consultation process was the public exhibition period set out in the *Land Use Planning and Approvals Act 1993* (LUPAA) and involved notification of adjoining landowners, public notices on-site and advertising in a daily newspaper. The application was placed on public exhibition for a period of 14 days as required under LUPAA. The period for representations closed on 1 February 2021. Two (2) representations were received.

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

Representation 1: Ms A Taylor

Concerns raised:	Response:
Suitability of the site, the site's north-western side of the creek is too narrow to accommodate a dwelling, decking, water tanks and on-site parking.	It is noted that the subject site does have some constraints. However, the planning scheme does provide a pathway for an application to be lodged and subsequent approval ascertained if an application meets all relevant clauses of the planning scheme.
The site is split in two by a creek, the larger parcel of land area is located on the south-eastern of the creek, where the parcel on the north-western side is considerably narrower. The documentation provided indicates the land size is approximately 9m wide on the north-western side where the south-eastern side measures approximately 19m wide.	Noted. Council is unable to dictate peoples design and application preferences, instead Council must act as a planning authority and assess the application as submitted against the merits of the planning scheme.
A number of large trees were cleared from the north-eastern side of the creek in December 2020 by the applicant.	The Clearing and Conversion of Vegetation Code under the Waratah-Wynyard Interim Planning Scheme 2013 triggers the need for a planning permit when native vegetation removal is located in the Environmental Living, Environmental Management, Open Space, Rural Living or Rural Resource zones, or in an area identified as low, medium or high likely risk from landslide identified by E6 Hazard Management Code under the planning scheme. This particular site is zoned Low Density Residential under the planning scheme and is not identified on the Hazard Management Code as having a landslide hazard risk.
Concerns in relation to the proximity of the development to the creek, the documentation set indicates the development will within 2 metres-3.5metres of the creek. I would be supportive of the development if it was on the south-eastern half of the lot.	The proposed development details a setback of 4m from the external unroofed deck from the dwelling to the watercourse. The planning scheme provides a discretionary pathway for applications to be considered with a setback less than 30m to a watercourse by addressing the performance criteria at clause E10.6.1. The applicant provided a supporting hydrology report in order to support their application. For a full assessment against this clause please see planning assessment.
Reference to a garage and driveway however, the documentation does not show where the garage and	The reference in relation to garage and driveway was in relation to an older drawing revision.

driveway will be in the proposal. Could this information be detailed in the advertised documents prior to approval?	The application before the planning authority is for a single dwelling only, access is recommended to be provided to the site via the north-eastern corner of the lot via a new crossover. No garage or carport is proposed as part of the drawing set, parking for the residence will be located in the driveway only.
The location of the building is constrained due to the sewerage connection location. This is unclear I have not been able to determine what the constraint is as all residences at Sisters Beach were required to decommission their septic tanks and connect with the local sewerage plant some years ago, so I would like to know more about why the location of this building is constrained by the location of the sewerage.	Sewer mains run the length of the frontage to 108 Irby Boulevard. As identified on the proposed site plan drawing, a sewer main connection is located in the north-eastern corner of 108 Irby Boulevard, making it easy to connect to with the proposed dwelling located on this side of the site.

Representation 2: Mr and Mrs Price

Concerns raised:	Response:
The Flora and Fauna Assessment failed to identify several mature Banksia Serrata trees on the eastern side of 108 Irby Boulevard Sisters Beach.	Noted. The flora and fauna assessment was not a requirement in order to assess the proposed current development application. It appears this document was written as a standalone document only.
Would like to register an interest in this development as a current contract to purchase the property identified as 2 Postmans Court is pending.	Noted.

INTERNAL REFERRALS

Engineering Services Department

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

1. In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
2. Loading and unloading of vehicles is to be confined to within the boundaries of the property.
3. Stormwater from the development is to be connected into Council's stormwater drainage network.
4. A vehicular access is to be constructed between the edge of the bitumen of the public road and the property boundary. In this regard the driveway may be concrete sealed, bitumen sealed or hardstand gravel in accordance with TSD's.
5. All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the developer.

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6. An 8m wide drainage easement is to be registered on the Certificate of Titles prior to any start work notices being issued as per recommendation provided CSE Tasmania Pty Ltd Report dated 22 October 2020.

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 referred to the Water Division of the Department of Primary Industries, Parks, Water and Environment (DPIPWE) who confirmed they did not require the application to be referred to them for comments.

No other referral agencies were required to comment.

PLANNING ASSESSMENT

The subject site is zoned Low Density Residential and Rural Living under the *Waratah-Wynyard Interim Planning Scheme 2013*. The use is a Residential Use which is a Permitted use within the zones, 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 the *Land Use Planning & Approvals Act 1993* 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 relevant discretionary provisions for the Low-Density Residential Zone Code and relevant Codes is provided below.

12.4.1 (P1) Suitability of a site or lot for use or development

<p>A1</p> <p>A site or each lot on a plan of subdivision must –</p> <p>(a) have an area of -</p> <p>(i) not less than 500m² excluding any access strip; or</p> <p>(ii) if in a locality shown in the Table to this clause, not less than the site area shown for that locality; and</p> <p>(b) contain a building area of not less than 10.0m x 15.0m -</p>	<p>P1</p> <p>A site or each lot on a plan of subdivision must</p> <p>(a) be of sufficient area for the intended use or development without likely constraint or interference for –</p> <p>(i) erection of a building if required by the intended use;</p> <p>(ii) access to the site;</p> <p>(iii) use or development of adjacent land;</p>
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<ul style="list-style-type: none"> (i) clear of any applicable setback from a frontage, side or rear boundary; (ii) clear of any applicable setback from a zone boundary; (iii) clear of any registered easement; (iv) clear of any registered right of way benefitting other land; (v) clear of any restriction imposed by a utility; (vi) not including an access strip; (vii) accessible from a frontage or access strip; and (viii) if a new residential lot, with a long axis within the range 30° east of north and 20° west of north 	<ul style="list-style-type: none"> (iv) a utility; and (v) any easement or lawful entitlement for access to other land; and (b) if a new residential lot, be orientated to maximise opportunity for solar access to a building area
<p>Planning Comments: Complies</p> <p>The subject site at 108 Irby Boulevard Sisters Beach is located within the Low Density Residential zone as identified by the <i>Waratah-Wynyard Interim Planning Scheme 2013</i>. This particular parcel of land is unable to provide for a building envelope measuring 10m x 15m that can meet the setbacks in the zone and be clear of a restriction imposed by a utility.</p> <p>The subject site has a sufficient area available on-site for the erection of the dwelling, provided the earthwork occurs in-line with the hydrology report provided as part of the supporting documentation with the application. This makes recommendations in relation to some earthwork occurring on the title identified as 2 Postmans Court and some drainage modifications at the southern portion of 108 Irby Boulevard to ensure the natural drainage channel operates more effectively.</p> <p>The subject site has reasonable and secure access that can be provided from Irby Boulevard across a frontage.</p> <p>The subject lot has sufficient area for the dwelling, without creating further constraint or interference to the existing development on adjacent land to the north-west or south-east, where constructed dwellings are already located.</p> <p>The dwelling is not considered to further constrain the utilities. Improvements will be made to the current natural drainage channel. The dwelling will be connected to the reticulated sewer system. The dwelling is recommended to be conditioned to ensure stormwater is connected to Council's stormwater network in Irby Boulevard.</p> <p>The lot has an area sufficient for the dwelling clear of any easement or lawful entitlement for access to other land, such as a right of way. No such easement or rights of access occur on the lot.</p> <p>No new residential lots are being created as part of the application.</p> <p>The proposal complies with the performance criteria.</p>	

12.4.3 (P4) Location and configuration of development

<p>A4</p> <p>A garage, carport or an external car parking area and any area for the display, handling, or storage of goods, materials or waste, must be located behind the primary frontage of a building</p>	<p>P4</p> <p>A garage, carport or an external car parking area and any area for the display, handling, or storage of goods, materials or waste, must –</p> <ul style="list-style-type: none"> (a) not dominate the architectural or visual frontage of the site; (b) be consistent with the streetscape;
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	<p>(c) be required by a constraint imposed by size, shape, slope, orientation, and topography on development of the site; and</p> <p>(d) provide durable physical screening to attenuate appearance of the parking or loading area from a frontage and adjacent land</p>
<p>Planning Comments: Complies</p> <p>The proposal details carparking on-site to service the proposed dwelling will be located between the dwelling and frontage of Irby Boulevard. Therefore, the proposal must address the performance criteria.</p> <p>A new crossover will be conditioned to access the dwelling on the north-eastern corner of the site and parking will occur in the driveway to the north of the site. The application does not include a constructed garage or carport and therefore will assist with not dominating the architectural or visual frontage of the site.</p> <p>Locating the parking in the driveway to the corner of the lot will be in keeping and consistent with the streetscape viewed along Irby Boulevard in Sisters Beach. Parking is often located either in a garage between the frontage and the dwelling or located within the title boundaries between the frontage and dwelling. This can be viewed at 112, 114, 116 and 118 Irby Boulevard to name a few.</p> <p>The location of the carparking is required to be located at the front of the site as the site is dissected by a creek, and the proposed development on the site runs parallel to the creek, therefore the topography of the site contributes to the area and room available on-site to locate the parking.</p> <p>The subject site has a band of vegetation along the frontage that is proposed to remain as a green physical screening to attenuate appearance of the parking area located in the driveway of the property.</p> <p>The proposal complies with the performance criteria.</p>	

E4.6.1 (P1) Change in existing ground level or natural ground level

<p>A1</p> <p>Cut or fill must -</p> <p>(a) not be on land within the Environmental Living zone or the Environmental Management zone;</p> <p>(b) be required to -</p> <p>(i) provide a construction site for buildings and structures;</p> <p>(ii) facilitate vehicular access;</p> <p>(iii) mitigate exposure to a natural or environmental hazard;</p> <p>(iv) facilitate provision of a utility;</p> <p>(v) assist the consolidation or intensification of development; or</p> <p>(vi) assist stormwater management</p> <p>(c) not result in a modification of surface stormwater water flow to increase –</p>	<p>P1</p> <p>Cut or fill must -</p> <p>(a) make arrangements for the drainage and disposal of stormwater;</p> <p>(b) make arrangements to stabilise any existing building or to increase the requirements for construction of any potential building on adjacent land;</p> <p>(c) manage drainage and disposal of intersected ground water;</p> <p>(d) safeguard the quality of receiving waters;</p> <p>(e) not require a retaining or support structure that would result in an area of influence within the boundary of adjacent land unless the owner of adjacent land has provided written consent to enter into an agreement under Part 5 Land Use Planning and Approvals Act 1993 registered on the title of adjacent land providing for the level of constraint; and</p>
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<ul style="list-style-type: none"> (i) surface water drainage onto adjacent land; (ii) pooling of water on the site or on adjacent land; or (iii) the nature or capacity of discharge from land upstream in a natural or artificial drainage channel; <p>(d) not destabilise any existing building or increase the requirements for construction of any potential building on adjacent land;</p> <p>(e) manage disposal of intersected ground water;</p> <p>(f) safeguard the quality of receiving waters through measures to minimise erosion and release of sediments and other contaminants during each of the site preparation, construction and rehabilitation phase in accordance with Soil and Water Management on Building and Construction Sites 2009;</p> <p>(g) Not require a retaining or support structure that would result in an area of influence within the boundary of adjacent land; and</p> <p>(h) not encroach upon or expose, disturb, or reduce cover over an underground utility to less than 1.0m unless the relevant regulatory entity has advised –</p> <ul style="list-style-type: none"> (i) it is satisfied the cut or fill will not result in harm to the utility; and (ii) any condition or requirement it determines are appropriate to protect the utility 	<p>(f) not encroach upon or expose, disturb, or reduce cover over an underground utility to less than 1.0m unless the relevant regulatory entity has advised –</p> <ul style="list-style-type: none"> (i) it is satisfied the cut or fill will not result in harm to the utility; and (ii) any condition or requirement it determines are appropriate to protect the utility
<p>Planning Comments: Complies</p> <p>The proposal details modifications to the existing stormwater management open cut creek and drainage arrangement through the site at 108 Irby Boulevard and on adjoining land at 2 Postmans Court, which is likely to result in a modification of surface stormwater flow to increase surface water drainage onto adjacent land. The proposal is therefore assessed against the performance criteria.</p> <p>The proposed new dwelling to be located alongside the creek line. The proposal makes arrangements to minimise the impact of the modified channel by raising the slab of the new dwelling an additional 300mm above the highest contour of the land.</p> <p>The cutting earthwork is to manage drainage disposal of intersected ground water both on the site at 108 Irby Boulevard and 2 Postmans Court as recommended by the Hydrology advice provided by Chris Martin of CES Tasmania Pty Ltd.</p> <p>The hydrology report makes recommendations in relation to create some additional cut at the south western portion of the drain will assist with safeguarding the development site from receiving waters further up the line.</p> <p>The proposal does not require a retaining support structure that would result in an area of influence within the boundary of adjacent land. Therefore, there is no requirement for a Part V Agreement.</p>	

The proposed earthwork does not encroach upon, disturb or reduce cover over an underground utility to less than 1m. The subject waterbody also used as an open cut drainage channel has not been piped underground.

The proposal complies with the performance criteria.

E10.6.1 (P1) Development in proximity to a water body, watercourse or wetland

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

The proposed development and reconfiguration of the natural drainage channel is all located within 30m of the watercourse and therefore must address the performance criteria.

The application provided a supporting report by CSE Tasmania Pty Ltd which included civil and structural engineering recommendations to the natural drainage line, without the need for piping. It is noted that this report was based on a different revision of drawings that included an additional building on the south-eastern side of the river. This is no longer the case.

The consultant's report has made recommendations of raising the slab of the dwelling an additional 300mm to ensure the risk of hydraulic performance is kept to a minimum. This change has already been made to the plans submitted. The report has been based on an 8m wide flow path measuring 400mm deep with a 1 in 3 batter running from RL 6.4 to 5.8 over a distance of 42m the grade is 1.4%. A condition has been recommended that an 8m wide easement is to be registered over the drainage channel.

The subject drainage channel has not been identified as having an economic value, however leaving the creek as an open channel is one of the cheaper and most effective ways of providing for any large flow rates, without limiting the capacity of the flow rates, should they be required to ever increase.

There are no water-based activities identified for this portion of waterway, and none are likely to occur or alter due to the application.

Minor excavation work is proposed as part of the application and is needed to provide a 1% AEP (Annual Exceedance Probability) flows. This excavation work is not located in the invert of the channel, instead it is located to the western side of the channel at 2 Postmans Court and the southern end portion 108 Irby Boulevard.

Control of sediments and contaminants on site will be managed with re-establishing grass where the excavation occurs before any inundation is likely to occur. The natural soils in this particular locality are sandy and not likely to cause environmental concern if any were to make it to the watercourse.

The subject sites are not accessible to the public as they are both privately owned titles, therefore public access and use will remain unchanged.

The subject site has not been identified for its aesthetic or scenic quality, however keeping the watercourse un-piped will allow it to remain as a landscaped feature.

Water quality at the site will be managed by the dwelling connecting into the mains sewerage reticulation scheme running through Irby Boulevard, whilst roof water will be conditioned to connect into Council reticulated stormwater network running through Irby Boulevard. Driveway run off has been recommended as an overflow run off to filter through the grass and sands before entering the watercourse.

The proposed development, including the small earthwork changes at the south and eastern portion of the channel, do result in some minor modification to the drainage channel, however this will allow for providing a peak flow capacity, improving the current arrangement.

By changing these levels instead of piping the creek assists with minimising the modification on any biodiversity and ecological function that the subject drain may have, while allowing for providing peak flow capacities. It must be noted that the site is not identified as having any threatened biodiversity or broader ecological function as mapped by theList website.

The changes to the channel have been designed to ensure the level of likely risk from exposure to natural hazards, such as flooding and inundation, have been ensured to be an 1% AEP event.

The proposed development, including the dwelling and proposed earthwork, will not present any further community risk and or public safety risk. The development will occur on two privately owned titles, the proposed development will not further increase public safety or introduce further flooding risk.

The proposal did not require any further comment from relevant entities administering or enforcing the protection of the water body or watercourse. The application was referred as a matter of a precaution to the Water Division Branch of DPIPWE since the watercourse was proposed to have modifications. This branch responded notifying Council that the work is not considered to be assessed under the *Water Management Act 1999* and therefore no referral was required, and no further comments were made.

The proposal is considered to comply with the performance criteria.

STATUTORY IMPLICATIONS

Land Use Planning and Approvals Act 1993

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

IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

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

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

The Land Use Planning and Approvals Act 1993 provides for penalties against a Planning Authority that fails to enforce its planning scheme (ss. 63a & 64). Going against advice provided in the planning report, without seeking alternate qualified advice, may create unnecessary risk for the Council in exercising its statutory functions as a Planning Authority.

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

COMMENT

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

The proposed application for a single dwelling and earthwork meets the relevant performance criteria of the planning scheme. The proposal details suitable measures to assist with minimising any introduced risk and manages to reduce the risk caused by the existing watercourse natural drainage channel running through the site.

The amenity impacts from the proposed carparking being located at the front of the dwelling have been reduced by keeping a belt of vegetation at the front of the site, the location of the parking will remain consistent with the streetscape of Irby Boulevard.

There will be no further changes to the existing utilities, the site can connect to reticulated sewer and stormwater in Irby Boulevard.

The application is considered to comply with the Low Density Residential Zone Code and all other applicable codes of the *Waratah-Wynyard Interim Planning Scheme 2013*. It is therefore recommended that Council approve a planning permit for the proposed dwelling and earthwork.

MOVED BY	CR DUNIAM
SECONDED BY	CR HYLAND

That Council, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Waratah-Wynyard Interim Planning Scheme 2013*, approve the dwelling and earthwork at 108 Irby Boulevard and 2 Postmans Court, Sisters Beach 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 Plans with Project Number 20274, as prepared by Abel Drafting Services and dated 12 January 2021.**
 - b) Hydrology Report as prepared by Chris Martin of CSE Tasmania Pty Ltd and dated 22 October 2020.****
- (2) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.**
- (3) Stormwater from the development is to be connected into Council's stormwater drainage network.**
- (4) Loading and un-loading of vehicles is to be confined to within the boundaries of the property.**
- (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) A vehicular access is to be constructed between the edge of the bitumen of the public road and the property boundary. In this regard the driveway may be concrete sealed, bitumen sealed or hardstand gravel in accordance with Tasmanian Standard Drawings.**
- (7) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the developer.**
- (8) An 8m wide drainage easement is to be registered on the Certificate of Titles prior to any start work notices being issued, as per recommendations provided within the CSE Tasmania Pty Ltd Report, dated 22 October 2020.**

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 within the Road Reservation” permit must be obtained from Council for all activity within the Road Reservation.
- The applicant is advised to consult with a Building Surveyor to ensure the development is constructed in accordance with the *Building Act 2016*.
- The development/use is not to result in the generation of environmental harm or nuisance as defined in the *Environmental Management and Pollution Control Act 1994*.
- This permit is based on information and particulars set out in Development Application DA 183/2020. Any variation requires an application for further planning approval of Council.
- Attention is drawn to existing or proposed electricity infrastructure, please be sure to contact Aurora Energy on 1300 132 003 to ensure these works do not impede on existing electricity easements and are at a safe distance from powerlines. Failure to do so could result in the relocation of electricity assets at your cost.
- Under Section 61 (4) of the *Land Use Planning and Approvals Act 1993*, the applicant has the right to lodge an appeal against Council’s decision. Notice of appeal should be lodged on the prescribed form together with the required fee within fourteen days after the date on which notice of the decision was served on that person, to the Resource Management and Planning Appeal Tribunal, GPO Box 2036, Hobart, 7001.

The MOTION was put and was CARRIED.

IN FAVOUR

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

6.5 DWELLING & OUTBUILDING LOCATED AT 2 POSTMANS COURT, SISTERS BEACH - DA13/2021

To:	Council
Reporting Officer:	Manager Development and Regulatory Services
Responsible Officer:	Director Infrastructure and Development Services
Report Date:	1 March 2021
File Reference:	9724368
Supporting Documents:	<ol style="list-style-type: none">1. Application documents 2. Representation No. 1 3. Extension of Time 

PURPOSE

The purpose of this report is for Council to consider the merits of the application DA 13/2021 against the requirements of the *Waratah-Wynyard Interim Planning Scheme 2013* (Planning Scheme).

BACKGROUND

The subject site consists of one title identified as 2 Postmans Court, Sisters Beach (CT 1/178028) and comprises a total area of 2.748ha. The lot is an internal, generally triangular in shape and is accessed via the cul-de-sac head of Postmans Court.

The property falls from west to east, with two drainage channels running through the property also in this direction.

The site is located within the Rural Living Zone. Adjoining lots to the east are zoned Low Density Residential, lots to the south are zoned Rural Living, and the lot to the west is zoned Rural Resource. There are no planning scheme overlays applicable to the property.

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



Figure 1. Locality Plan

DETAILS

The applicant is seeking approval for a single dwelling consisting of one open plan room containing a kitchen, lounge and sleeping area. There will be a laundry and bathroom located on the eastern side of the building. Construction material will be zincalume wall and roof cladding with aluminium frame windows. There is also a timber deck surrounding the building. The proposed dwelling measures 12m in length by 9.6m wide inclusive of the deck. The footprint of the dwelling is therefore 115.2m². The dwelling has a maximum height of 4.9m. The dwelling is located 10.6m from the western property boundary.

Also included in the application is a small shed measuring 4.8m long by 3.5m wide and an area of 16.8m². The maximum height of the shed is 2.7 metres. The shed will include toilet facilities. The shed is sited 11 metres from the eastern boundary. A site inspection during assessment of the proposal has identified that the shed has already been constructed.

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: -

- Location and configuration of development 13.4.3 (P4); and
- Setback of development for a sensitive use 13.4.6 (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 24 February 2021. 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.

Representations:

Dr Cainey and Mr McEwan

Issues Raised	Response
Sewage management – the development should be connected to the Sisters beach wastewater scheme to ensure a good environmental outcome.	The proposal has demonstrated that it is able to comply with the acceptable solution 13.4.1 A4, as the site has a connection point to the reticulated system.
Electricity – the application does not demonstrate how the dwelling will be connected to the electricity network	The proposal is not required to demonstrate connection to the dwelling. The planning scheme only considers electricity provision to new lots, and therefore, only applies to applications for subdivision. Servicing of new dwellings is a matter for the landowner to arrange with TasNetworks.
The proposal should be refused until the above items are addressed.	The proposal has demonstrated compliance with the servicing requirements applicable under the planning scheme. There are no grounds to refuse the proposal based on the matters raised in the representation.

INTERNAL REFERRALS

Engineering Services Department

- The application was referred to the Engineering Services Department. The following conditions were recommended:
- In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
- Loading and un-loading of vehicles is to be confined to within the boundaries of the property.
- 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.
- Stormwater from the development is to be fully contained within the boundary of the property.

Environmental Health

- The following environmental health condition and note was recommended.
- 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.

Location and configuration of development 13.4.3 (P4)

A4	P4
<p>(a) A utility structure must be a power pole, antenna or a single domestic-scale turbine to a maximum of 10m in height which is –</p> <ul style="list-style-type: none">(i) not part of a wind farm;(ii) not sited on a skyline; and(iii) if a wind turbine, not located within 60m of a dwelling in other ownership nor within 30m of a public road. <p>(b) A building, except a utility structure must be –</p> <ul style="list-style-type: none">(i) located not less than 15m below the level of any adjoining ridgeline; and(ii) not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland; and(iii) clad and roofed with materials with a light reflectance value of less than 40%.	<p>(a) A utility structure may be a single domestic-scale turbine or wind powered pump, if –</p> <ul style="list-style-type: none">(i) not sited on a skyline; and(ii) not located within 30m of a public road. <p>(b) The location, height and visual appearance of a building or structure (except a single domestic-scale turbine or wind powered pump) must have regard to –</p> <ul style="list-style-type: none">(i) minimising the visual impact on the skyline;(ii) minimising height above the adjacent vegetation canopy;(iii) minimising visual impact on the shoreline or a marine or aquatic water body, water course, or wetland where possible; and(iv) minimising excessive reflection of light from an external surface.

Planning Comment: Complies

The proposal does not meet A4(b)(iii) as the dwelling will be clad in zincalume. Therefore, the proposal is to be assessed against the performance criteria.

The location of the dwelling will not impact the skyline as the land raises behind the property to the national park. The site is therefore located below the adjacent vegetation canopy. The site for the dwelling sits between the 11m and 12m AHD contours, so will not be visible from the beach.

Zincalume is initially reflective, but will dull quite quickly in the elements, particularly given its coastal location. The dulling of the material will limit any excessive reflection from the development.

The proposal is considered to comply with P4(b).

Setback of development for a sensitive use 13.4.6 (P1)

A1 A building containing a sensitive use must be contained within a building envelope determined by – (a) the setback distance from the zone boundary as shown on the Table to this clause; and (b) projecting upward and away from the zone boundary at an angle of 45o above the horizontal from a wall height of 3.0m at the setback distance from the zone boundary	P1 The location of a building containing a sensitive use must – (a) minimise likelihood for conflict, constraint or interference by the sensitive use on existing and potential use of land in the adjoining zone; and (b) minimise likely impact from existing and potential use of land in the adjoining zone on the amenity of the sensitive use
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Planning Comment: Complies

The Rural Resource zone adjoins the site to the west, and as the subdivision was approved after 2013 a minimum setback of 50m to a sensitive use is required. The proposal provides a setback of 10.4m to the closest point of the deck. Therefore, assessment against the performance criteria is required.

The applicant states that: *the adjoining land is small parcel of Rural Resource land having approximately 7ha of grass. The amount of viable land, lack of water supply and inability to adjoin to other Rural Resource parcels, make this land only possible for small scale grazing (7 maximum animals). This type of activity is not dissimilar to that likely within the Rural Living zone, therefore land use conflict is considered highly unlikely.* This argument is accepted. In addition to the points raised, the land capability is class 5, changing to class 7 as the land elevates to the west. This confirms that the land is suitable for limited pastoral use, through to severely limited land.

The dwelling has been located to the west extent of the lot for the elevated position. However, given the limited potential for agriculture on the adjoining land, it is considered there is low likelihood for land use conflict between the sensitive use and any agricultural use on the adjoining land to the west.

The proposal is considered to comply with the performance criteria.

STATUTORY IMPLICATIONS

Land Use Planning and Approvals Act 1993

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

There 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 and outbuilding comply with either the acceptable solution or satisfy the performance criteria for all applicable standards of the Planning Scheme. The proposal is for a small dwelling and outbuilding on Rural living land.

The dwelling will have limited if any impact upon the agricultural potential of the adjoining constrained Rural Resource land.

The application is considered to comply with the Rural Living Zone provisions, 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 and outbuilding.

MOVED BY	CR DUNIAM
SECONDED BY	CR HYLAND

That Council, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Waratah-Wynyard Interim Planning Scheme 2013*, approve a Dwelling and Outbuilding at 2 Postmans Court, Sisters Beach 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 Plans with Drawing Numbers 200701 100 to 101, 110 to 111, and 200 to 203, as prepared by Ecoshelta and dated 13 January 2021.**
- b) Shed plans and site plans as prepared by the applicant.**
- c) Planning Report as prepared Planning4Bushfire with Project Number 2021-2, dated 1 February 2021.**

(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.

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 13/2021. Any variation requires an application for further planning approval of Council.

-
- This development/use is not to result in the generation of environmental harm or nuisance as defined in the *Environmental Management and Pollution Control Act 1994*.
 - Attention is drawn to existing or proposed electricity infrastructure, please be sure to contact TasNetworks on 1300 137 008 to ensure these works do not impede on existing electricity easements and are at a safe distance from powerlines. Failure to do so could result in the relocation of electricity assets at your cost.
 - 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 DUNIAM		CR FAIRBROTHER	CR HYLAND

6.6 DWELLING EXTENSION AND CARPORT LOCATED AT 267 PORT ROAD (COTTAGE 2) BOAT HARBOUR BEACH - DA 36/2020

To:	Council
Reporting Officer:	Town Planner
Responsible Officer:	Manager Development and Regulatory Services
Report Date:	1 March 2021
File Reference:	7086783
Supporting Documents:	<ol style="list-style-type: none">1. Applications documents 2. Representations 3. Extension of time 

PURPOSE

The purpose of this report is for Council's planning authority to consider the merits of the application DA 36/2020 against the requirements of the *Waratah-Wynyard Planning Scheme 2013* (the Planning Scheme).

BACKGROUND

The subject site located at 267 Port Road, Boat Harbour Beach comprises an area of 5400m² and is located within the Low Density Residential Zone.

The site is used and developed for multiple dwellings which are separately occupied for self-contained accommodation. The registered owner of the site is Eleanora Holiday Cottages Pty Ltd. Each of the shareholders in the company is afforded the right to occupy their respective dwelling within the site. There are nine shareholdings.

The site is accessed across the Port Road frontage in its south-east corner. A driveway extending along the Port Road frontage and through the north-west corner of the site is subject to a right of way benefitting an adjoining site to the north. The driveway further extends to the south providing access to Cottages 1-3 and 8 to the east, Cottages 4-7 to the west and another building to the south. A tennis court is located in the south-west corner of the site. Several outbuildings are located throughout the site.

Application DA 36/2020 relates to Cottage 2 which is located in the south-east portion of the site, to the north of Cottage 1. The dwelling comprises a single-storey constructed over the slope. It is noted that some of the works identified on the plans which accompany the application have already commenced. Prior to the commencement of those works, the dwelling had a gross floor area, enclosed by external walls, of 164.2m². It also included an open-sided deck portion (14.6m²) attached to the north of the dwelling (identified as a porch), which has recently been enclosed.

Available information on Council's files indicates that the site is serviced by a private water supply system which is fed from a spring. Water is captured into a 700 litre settling tank and then pumped to a main 20,000 litre storage tank. It is noted that the UV treatment system involved in supplying potable water from the main tank was upgraded in June 2020.

The site is shown within a Medium Landslide Hazard Area on the Planning Scheme overlay maps. Clause E6.4.4(i) provides an exemption from the Hazard Management Code for extensions to existing buildings within a Medium Landslide Hazard Area where the gross floor area of an extension is not greater than 50m². The gross floor area of the proposed extension, measured from the outside of external walls in accordance with the Planning Scheme requirements, is 22.39m². The exemption therefore applies.

The adjoining sites to the north and west contain single dwellings and associated outbuilding development. The sites to the east across Port Road also contain single dwellings and associated outbuilding development. The site to the south across Cummings Street contains multiple dwelling development. The site to the south-west contains a single dwelling and outbuilding. A number of properties in the surrounding area are used for both residential and visitor accommodation purposes.

An aerial photograph identifying the subject site is provided in Figure 1 below.

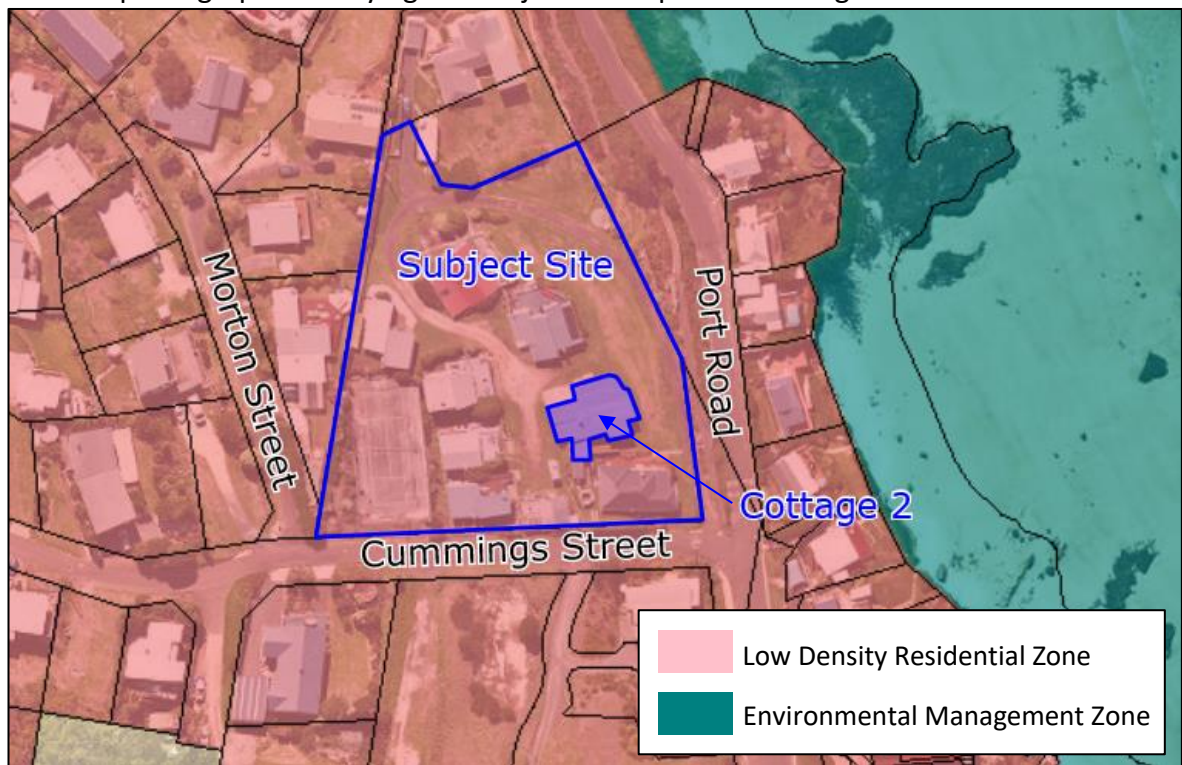


Figure 1: Subject site with zoning

DETAILS

The applicant is seeking planning approval for a proposed development involving a dwelling extension, deck and carport located at 267 Port Road, Boat Harbour Beach.

The proposed extension involves a 22.39m² increase in the gross floor area associated with the dwelling, including:

- Enclosure of a 14.6m² deck portion (identified as a porch) attached to the north of the dwelling, and conversion into an additional bedroom.
- A 4.3m² extension to the kitchen in a southerly direction.

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- A 3.5m² extension, comprising a bathroom, which is to the south of the existing garage.

The carport will occupy a 22.5m² area to the north-west of the dwelling (adjacent to the existing garage door) and the deck will occupy an area of 36m² to the east of the dwelling. These spaces will not be enclosed by external walls and therefore do not form part of the gross floor area calculation.

The carport will restrict access to the existing garage, and therefore will be the sole car parking space associated with the dwelling. It is understood that the car parking space identified as “Park 2” on the Proposal Plans no longer forms part of the proposal.

The proposed development includes other associated works and dwelling alterations, including:

- Removal of a BBQ to the north of the area identified as an existing porch.
- Conversion of the enclosed deck portion to the north-east of the dwelling into a sunroom, involving:
 - removal of a north-facing window and infill of the associated opening with wall cladding;
 - extension of the window in the north-east corner of the sunroom down to finished floor level; and
 - replacement of the east facing window with a glass sliding door (opening onto the new deck).
- Replacement of 3 other east facing windows within the dwelling, associated with Bed 1 and Lounge/Bed 3, with glass sliding doors (opening onto the new deck).
- Extension of the south-facing Lounge/Bed 3 window down to finished floor level.
- Replacement of the east facing window associated with the bathroom and laundry space, in the south-west of the dwelling, with a glass sliding door.
- Provision of new high-level windows (sill height >1.8m) on the southern wall of the kitchen extension and new bathroom adjacent to the existing garage.
- Provision of a new window on the northern side of the additional bedroom (converted porch).
- Internal alterations within the existing garage space, including provision of a hallway for access associated with the existing dwelling entry and new bathroom from the Lounge/Dining area within the dwelling.

This report assesses the proposal against the Planning Scheme and takes into account the representations received during the public exhibition period. The subject site is zoned Low Density Residential. The proposed development is categorised into the Residential use class, which is identified as having a Permitted status in the use table for the zone.

The Permitted status associated with the proposed development is dependent upon complying with all applicable Acceptable Solutions. The proposal does not comply with all applicable Acceptable Solutions, and relies on the Performance Criteria listed below, and therefore requires a Discretionary permit:

- Suitability of a site or lot for use or development 12.4.1 (P2);
- Suitability of a site or lot for use or development 12.4.1 (P3);
- Visual and acoustic privacy for residential use 12.4.4 (P1); and
- Private open space for residential use 12.4.5 (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 exhibition period was for 14 days as required under LUPAA. The period for representations closed on 15 February 2021. Three (3) representations were received. The representors are owners/occupiers of other cottages within the site. One representation was made in support and the other two are objections. A map showing the relationship between Cottage 2 and the objectors' cottages is shown in Figure 2.



Figure 2: Relationship between Cottage 2 and objectors' cottages

The matters raised in the representation are summarised below together with a planning response. While every effort has been made to include all issues raised, the summary should

be read in conjunction with the representations which are included as attachments to this report.

One of the objections comprises a primary representation and a secondary (subsequent) email with photographs. The other objection also included photographs. The photographs provided by the objectors are reproduced in Figures 3 to 6, after the following consideration of the issues raised.

Objector – G & J Tucker (Cottage 1)

Issues raised:	Response:
Cottage 2 forms part of a site owned by Eleanora Holiday Cottages Pty Ltd (the “Company”). The constitution for the Company requires the consent of its directors for cottage alterations. The applicant does not have the consent of the Company directors for the application or to undertake the proposed development. The representor submits that any approval should be conditional upon the applicant entering into an agreement with the Company pursuant to Section 58A of LUPAA in respect to the application.	<p>Council’s Planning Authority is not bound by any private arrangements or agreements that exist between the shareholders in the Company, including those set out in its constitution.</p> <p>Section 52(1) of LUPAA requires an applicant for a permit involving land that it does not own, where such land is not owned or administered by the Crown or a council, to notify owner of the intention to make the application.</p> <p>LUPAA provides for the making of agreements between an owner of land and a planning authority on its own behalf or jointly with another person. It would not be appropriate for Council’s planning authority to enter into an agreement involving private arrangements between the Company shareholders.</p>
<p>The proposed deck to the east of Cottage 2, which is at a relatively higher elevation, will overlook the existing deck areas, main living area and main bedroom associated with Cottage 1. It will have a significant impact on the representor’s amenity/privacy.</p> <p>The applicant’s assessment of Clause 12.4.4 – Performance Criteria P1, which identifies the section of proposed deck within 6m of the Cottage 1 deck is transition space and impractical for recreational use, is not accepted. If that were the case there would be no need for that deck.</p>	<p>The proposed deck will have a finished surface level greater than 1m above ground level and will be partly setback within 6m of the deck areas associated with Cottage 1. It therefore requires an assessment of Clause 12.4.4 P1, which is undertaken further in this report.</p> <p>Given the orientation of the Cottage 1 deck areas, the separation from the proposed Cottage 2 deck will increase towards the frontage. The assessment of Clause 12.4.4 P1 identifies that level of separation will be adequate to minimise the likelihood for overlooking.</p>
The proposed deck will obstruct the outlook, in a general northerly direction, from Cottage 1 generally including its deck areas.	The siting and height of the proposed development complies with the building envelope requirements specified in the applicable Acceptable Solution in the zone provisions. The outlook from Cottage 1 therefore will not be unreasonably affected.
The proposed 13m wide deck and associated glass balustrade is not in keeping with the visual character of the Eleanor Cottages complex, nor the visual character of Boat Harbour Beach in general.	The Planning Scheme does not contain any standards relevant to the visual appearance of the proposed deck including its balustrade materials.

The proposed deck extends 2-3m to the east of Cottage 2 into what amounts to common property, and it is therefore seen to be a land grab.	The siting of the proposed deck complies with the Acceptable Solution requirement relevant to the setback from the eastern site boundary (the Port Road frontage). There are no areas of common property that are recognised under the terms of the Planning Scheme, and it is also noted that no strata scheme (identifying such areas) is registered in relation to the site.
The existing garage has been divided in half internally and therefore there is insufficient space for a car parking space as indicated on the proposal plans.	<p>The car parking associated with Cottage 2 as a result of the proposed development will be limited to the new single carport. The application therefore requires an assessment of Clause E9.5.1 – Performance Criteria P1, which is undertaken further in this report.</p> <p>The assessment identifies that adequate and appropriate provision for parking within the site, including informal parking areas, will be available.</p>
The existing deck/porch areas have already been enclosed and sliding glass doors have been installed at the eastern side of the cottage.	The application effectively seeks retrospective approval for these works. It is noted that they do not activate any of the Discretions that are applicable to the planning assessment.
The enclosure of the deck/porch areas has removed views of the sea and surrounds of other cottage owners and affected the visual character of the complex and the amenity of other cottages.	The proposed development complies with the building envelope requirements specified in the applicable Acceptable Solution. Therefore, there is no unreasonable impact on the outlook and amenity of adjacent cottages. The Planning Scheme does not contain any standards relevant to the visual appearance of the development.
The proposed carport is in a location that is used as a turning circle by other company residents. Additionally, it would not comply with the minimum setback requirements relevant to the proposed boundary identified on the draft strata plan for the complex.	The proposed carport location is directly adjacent to the vehicle circulation space for the existing garage associated with Cottage 2. There is no turning circle in this location that is recognised under the terms of the Planning Scheme, there is no strata scheme (identifying an such area within common property) registered in relation to the site.
The proposed carport will affect outlook from other cottages.	The siting and height of the proposed carport complies with the building envelope requirements specified in the applicable Acceptable Solution in the zone provisions. The outlook from other cottages therefore will not be unreasonably affected.
The proposed glass sliding door on the eastern external wall associated with the existing bathroom and laundry space within Cottage 2 will create privacy and overlooking issues for the deck areas associated with Cottage 1.	The proposed sliding glass door that is referred to is not associated with a habitable room and any event is within a part of the dwelling that has a floor level less than 1m above ground level. The privacy standards in the zone provisions are therefore not applicable to this door.

Representor – D Evans (Cottage 5)

Issues raised:	Response:
Reference to Clause E6.5.2 'Use likely to be exposed to a natural hazard' in the Planning Scheme.	The proposed development involves an extension to an existing building, on land within a Medium Landslide Hazard Area, that will have a gross floor area less than 50m ² . The exemption in Clause E6.4.4(i) of the Hazard Management Code therefore applies.
The proposed deck and carport would not comply with the minimum setback requirements for the relevant proposed boundaries on the draft strata plan for the Eleanora Cottages complex.	There is no registered strata scheme. In any event, under the terms of the planning scheme, the minimum boundary setback requirements are applicable to the site boundaries rather than any internal strata boundaries.
A wall has been constructed internally within the existing garage, which is not shown on the existing floor plan.	The car parking associated with Cottage 2 as a result of the proposed development will be limited to the new single carport. The application therefore requires an assessment of Clause E9.5.1 – Performance Criteria P1, which is undertaken further in this report. The assessment identifies that adequate and appropriate provision for parking within the site, including informal parking areas, will be available.
The existing deck/porch areas have already been enclosed, together with the installation of glazing and rendered board as shown on the photographs. The representor queries whether retrospective approval is being sought.	The application effectively seeks retrospective approval for these works. It is noted that they do not activate any of the Discretions that are applicable to the planning assessment.
The proposed 13m wide deck and associated glass balustrade is not in keeping with the visual character of the complex and Boat Harbour Beach, nor understated coastal character of the township.	The Planning Scheme does not contain any standards relevant to the visual appearance of the proposed deck including its balustrade materials.



Figure 3: View into existing garage through windows in its western wall



Figure 4: Eastern side of Cottage 2 (including works that have commenced)



Figure 5: South-eastern portion of Cottage 2 (including works that have commenced)



Figure 6: North-eastern portion of Cottage 2 (including works that have commenced)

Representor – EJ Bolton

Matters raised:	Response:
Support for the development.	Noted.

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 use 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 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 is to be connected and discharged into Council's stormwater drainage network.

Environmental Health

The following environmental health note is recommended.

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

EXTERNAL REFERRALS

The proposal did not require any external referrals.

PLANNING ASSESSMENT

The subject site is zoned Low Density Residential under the Planning Scheme. The proposed development is categorised into the Residential use class and is Permitted within the zone, should the application meet all the applicable Acceptable Solutions.

The proposed use does not meet all the applicable Acceptable Solutions. It is therefore submitted as a Discretionary application under Section 57 of LUPAA and assessed under the Planning Scheme and the relevant State Policies and Acts. Section 57(1) (b) of LUPAA allows Council to relax or waive the applicable Acceptable Solutions under a Discretionary status.

An assessment of the proposal against the applicable Performance Criteria is provided below.

12.4.1 Suitability of a site or lot for use or development

A2	P2
<p>A site or each lot on a subdivision plan must have a separate access from a road –</p> <p>(a) across a frontage over which no other land has a right of access; and</p> <p>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</p> <p>(c) by a right of way connecting to a road</p> <p>(i) over land not required as the means of access to any other land; and</p> <p>(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right of way of not less than -</p> <p>(i) 3.6 m for a single dwelling development; or</p> <p>(ii) 6.0 m for multiple dwelling development or development for a non-residential use; and</p> <p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.</p>	<p>(a) A site must have a reasonable and secure access from a road provided –</p> <p>(i) across a frontage; or</p> <p>(ii) by an access strip connecting to a frontage, if for an internal lot; or</p> <p>(iii) by a right of way connecting to a road over land not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(iv) the dimensions of the frontage and any access strip or the right-of-way must be adequate for the type and volume of traffic likely to be generated by –</p> <p>a. the intended use; and</p> <p>b. the existing or potential use of any other land which requires use of the access as the means of access for that land; and</p> <p>(v) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a subdivision plan; or</p> <p>(b) It must be unnecessary for the development to require access to the site or to a lot on a subdivision plan</p>

Planning Comments: Complies

The site is accessed across the Port Road frontage in its south-east corner. The access comprises an existing crossover and an internal driveway, which is subject to a right of way benefitting the adjoining 279 Port Road (CT 171021/2 and CT 779773/2) to the north. Given that the right of way is over land required as the means of access to the adjoining site, the proposal requires an assessment against the Performance Criteria.

The existing access arrangements for the site are considered to be reasonable and secure. Cottage 2 will continue to be accessible from the Port Road frontage over the existing driveway within the site. The proposed development involves a 22.39m² increase, including an additional bedroom, together with a new deck and carport. The use of the existing driveway will not be affected.

The right of way over the existing driveway is not required to give the lot of which it is part the minimum properties of a lot in accordance with Clause 12.4.1 A1. Council's road authority is satisfied that the access arrangements are adequate.

The proposal satisfies P2 for this Standard.

A3

A site or each lot on a plan of subdivision must be capable of connecting to a water supply –

- (a) provided in accordance with the *Water and Sewerage Industry Act 2008*; or
- (b) from a rechargeable drinking water system with a storage capacity of not less than 10,000 litres if–
 - (i) there is not a reticulated water supply; and
 - (ii) development is for –
 - a. a single dwelling; or
 - b. a use with an equivalent population of not more than 10 people per day.

P3

- (a) There must be a water supply available for the site or for each lot on a plan of subdivision with an adequate level of reliability, quality, and quantity to service the anticipated use of the site or the intended use of each lot on a plan of subdivision; or
- (b) It must be unnecessary to require a water supply

Planning Comments: Complies

There is no available reticulated water supply system administered by TasWater in accordance with the *Water and Sewerage Industry Act 2008*. The site is serviced by a private water supply system which includes a main 20,000 litre storage tank. Given that the system services multiple dwellings and an equivalent population exceeding 10 people per day, the proposal requires an assessment against the Performance Criteria.

The existing private water supply system within the site provides an adequate level of reliability, quality and quantity to service the proposed development. The development involves one additional bedroom, which will not significantly increase the water demand within the site.

The proposal satisfied P3(a) for this Standard.

12.4.4 Visual and acoustic privacy for residential development

<p>A1</p> <p>A door or window to a habitable room, or any part of a balcony, deck, roof garden, parking space or carport of a building must –</p> <p>(a) if the finished floor level is more than 1.0m above natural ground level –</p> <ul style="list-style-type: none"> (i) be not less than 6.0m from any door, window, balcony, deck, or roof garden in a dwelling on the same site; (ii) be not less than 3.0m from a side boundary; (iii) be not less than 4.0m from a rear boundary; and (iv) if an internal lot, be not less than 4.5m from the boundary abutting a rear boundary of an adjacent frontage site; or <p>(b) if less than the setbacks in clause A1(a) –</p> <ul style="list-style-type: none"> (i) be off-set by not less than 1.5m from the edge of any door or window in another dwelling; (ii) have a window sill height of not less than 1.8m above finished floor level; (iii) have fixed and durable glazing or screening with a uniform transparency of not more than 25% in that part of a door or window less than 1.7m above finished floor level; or (iv) have fixed and durable external screen other than vegetation of not less than 1.8m height above the finished floor level and with a uniform transparency of not more than 25% located for the full width of the door, window, balcony, deck, roof garden, parking space, or carport 	<p>P1</p> <p>Likelihood for overlooking from a door or window in a habitable room or from any part of a balcony, deck, roof garden, parking space, or carport of a building must be minimised by –</p> <ul style="list-style-type: none"> (a) physical separation from the door, window balcony, deck, or roof garden in an adjacent dwelling; (b) off-set from a door or window to a habitable room in an adjacent dwelling; (c) effective use of screening other than vegetation; or (d) effect of topography and natural features
<p>Planning Comments: Complies</p> <p>The proposed deck associated with Cottage 2 will have a finished surface level greater than 1m above ground level and will be partly setback within 6m of the deck areas associated with Cottage 1. An assessment of the against the Performance Criteria is therefore required.</p> <p>As identified by the mark-ups in Figure 7, the proposed deck will be setback a minimum of 4.36m from the western portion of the Cottage 1 deck to the south and a minimum of 7.03m from the eastern portion of that deck. The separation between the adjoining decks will increase further towards the frontage.</p>	

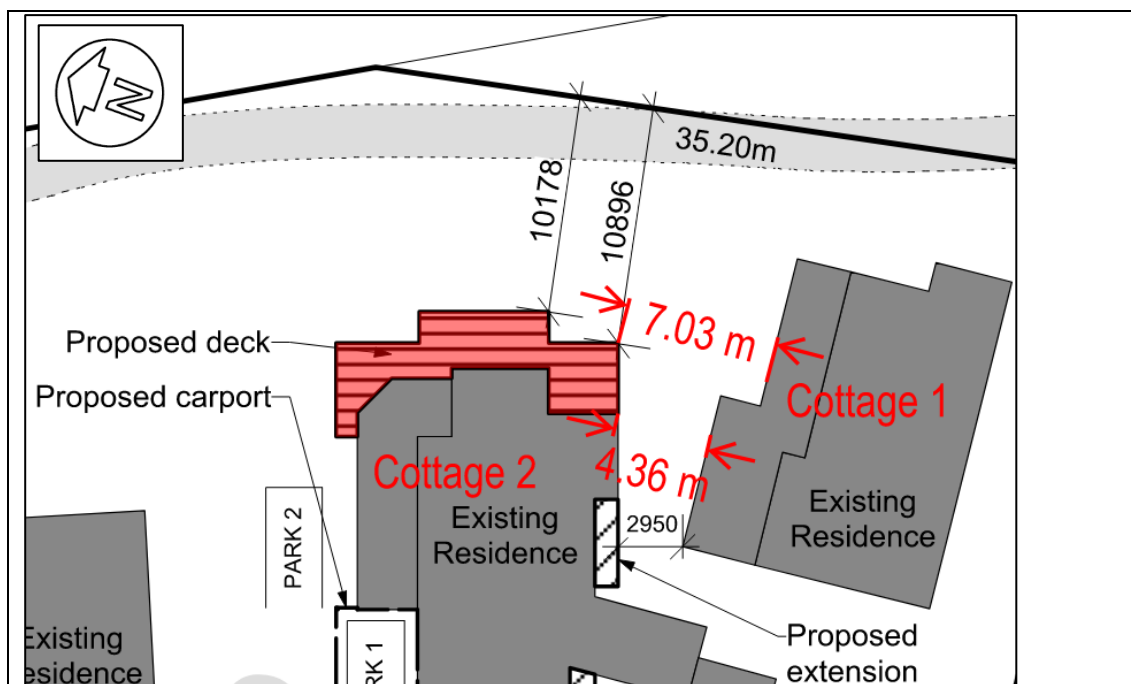


Figure 7: Setbacks of the proposed Cottage 2 deck from the existing Cottage 1 deck areas

The southern portion of the proposed deck, which is partly within 6m of the Cottage 1 deck, will comprise a 10.24m² area adjacent to an existing bedroom within Cottage 2. The proposed deck will increase in size and dimension further to the north, adjacent to the living areas within the dwelling including the proposed sunroom and existing Lounge/Bed 3. It is anticipated that this central part within the deck will be the primary usable space for recreation.

The physical separation between the proposed Cottage 2 deck and existing Cottage 1 deck is adequate to minimise the likelihood for overlooking.

The proposal complies with P1 for this Standard.

It is noted that the proposal complies with the Acceptable Solution in relation to separation from habitable room windows.

12.4.5 Private open space for residential use

A1	P1
Each dwelling must provide private open space –	Private open space must –
(a) if a dwelling with a floor level of not more than 2.5m above finished ground level, a ground level area –	(a) have size and dimension appropriate for the projected requirements of the residents of the dwelling; and
(i) located adjoining the rear or side of the dwelling;	(b) provide a usable area taking into account –
(ii) accessible from the dwelling;	(i) the effect of shape, orientation, and topography of the site;
(iii) of not less than 25m ² ;	(ii) the availability, accessibility, purpose, and characteristics of –
(iv) with a minimum dimension of 4.0m;	a. any other recreation and service area within the site;
(v) on a single level; and	b. any external communal open space area; and
(vi) with a gradient of not more than 1 in 10; and	c. public open space
(b) if a dwelling with a floor level of more than 2.5m above finished ground level, as an	

<p>alternative to a ground level area, a private balcony deck, terrace or roof garden -</p> <ul style="list-style-type: none"> (i) of not less than 25m²; (ii) with a minimum dimension of 4.0m; and (iii) accessible from the dwelling 	
<p>Planning Comments: Complies</p> <p>The private external space within the site associated with each dwelling is not well defined. The external deck (porch) attached to north of Cottage 2 is being replaced with a larger 36m² deck. It will be accessible from habitable space within the dwelling on a single level, however it will be located within the frontage setback and will have a minimum depth dimension of less than 4m. An assessment against the Performance Criteria is therefore required.</p> <p>The proposed deck will occupy an area of 36m² and its central part, to the north of the sunroom and Lounge/Bed 3, will have a depth of 2.6m and a width of 5.9m (see Figure 8). The size and dimensions of the deck are appropriate for the 186.6m² dwelling. It will provide a usable area comprising a level surface that will provide for the private needs of residents of the dwelling. It will be complemented by other private and communal areas within the site, and the coastal reserve and foreshore to the east.</p> <div data-bbox="261 875 1222 1610"> </div> <p>Figure 8: Proposed Cottage 2 deck</p> <p>The proposal complies with P1 for this Standard.</p>	

Traffic Generating Use and Parking Code

E9.5.1 Provision for Parking

<p>A1</p> <p>Provision for parking must be –</p> <ul style="list-style-type: none"> (a) the minimum number of onsite vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code; 	<p>P1</p> <ul style="list-style-type: none"> (a) It must be unnecessary or unreasonable to require arrangements for the provision of vehicle parking; or (b) Adequate and appropriate provision must be made for vehicle parking to meet -
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	<ul style="list-style-type: none"> (i) anticipated requirement for the type, scale, and intensity of the use; (ii) likely needs and requirements of site users; and (iii) likely type, number, frequency, and duration of vehicle parking demand
<p>Planning Comments: Complies</p> <p>Table E9.1 requires multiple dwellings in the zone to include 2 car parking spaces per dwelling and 1 space per 3 dwellings for overflow parking. The car parking for Cottage 2 as a result of the proposed development will be limited to the new single carport (1 space). An assessment of the performance criteria is therefore required.</p> <p>Car parking provision within the established site includes a combination of formal spaces and other external areas that are used informally for parking. There is adequate space within the site to accommodate any parking demand that is unable to be accommodated by the proposed carport. Adequate and appropriate provision for parking will therefore be available.</p> <p>The proposal complies with P1 for this Standard.</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 LUPAA and must enforce the Planning Scheme under Section 48 of the LUPAA.

In accordance with Section 57 of LUPAA and Council's Planning Scheme, the proposal is an application for a Discretionary permit. Council may approve or refuse Discretionary permit applications after considering the Planning Scheme and representations received. It is noted that three (3) representations were received during the exhibition period.

STRATEGIC IMPLICATIONS

There are no significant strategic implications identified.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

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

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

LUPAA provides for penalties against a planning authority that fails to enforce its planning scheme (Sections 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 the report.

The proposed development complies with either the Acceptable Solutions or Performance Criteria for all applicable standards in the Planning Scheme. The existing access and private water supply arrangements associated with the site are adequate for the development. The level of separation between the proposed Cottage 2 deck and existing Cottage 1 deck areas will be adequate to minimise the likelihood for overlooking. The proposed deck will provide a sufficient usable area that will provide for the private needs of residents of Cottage 2. Adequate and appropriate provision for car parking within the site, including informal parking areas, will be available.

The application is considered to comply with the Low Density Residential Zone and applicable code provisions in the Planning Scheme. It is therefore recommended that Council issue a planning permit for the proposed dwelling extension, deck and carport.

MOVED BY	CR COURTNEY
SECONDED BY	CR DUNIAM

That the planning authority, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Waratah-Wynyard Interim Planning Scheme 2013*, grant approval for a dwelling extension, deck and carport at 267 Port Road, Boat Harbour Beach 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 Plans with Project Number 19212 – Sheet Numbers 1 to 9 as prepared by Abel Drafting Services and dated 13 January 2021.****
- (2) All costs associated with the use 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 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 is to be connected and discharged into Council's stormwater drainage network.**

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

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 any activity within the Road Reservation.
- This use and development 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 use is established in accordance with *Building Act 2016*.
- This permit is based on information and particulars set out in Development Application DA 36/2020. Any variation requires an application for further planning approval of Council.
- 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 DUNIAM		CR FAIRBROTHER	CR HYLAND

6.7 METEOROLOGICAL MAST AT CT144941/1 GUILDFORD ROAD, GUILDFORD - DA 221/2020

To: Council
Reporting Officer: Town Planner
Responsible Officer: Manager Development and Regulatory Services
Report Date: 1 March 2021
File Reference: 2710225

Supporting Documents:

1. Proposal Documentation 
2. Representation 1 
3. Representation 2 
4. Representation 3 
5. Representation 4 
6. Representation 5 
7. DPIPWE Referral comments 
8. Extension of time agreement 

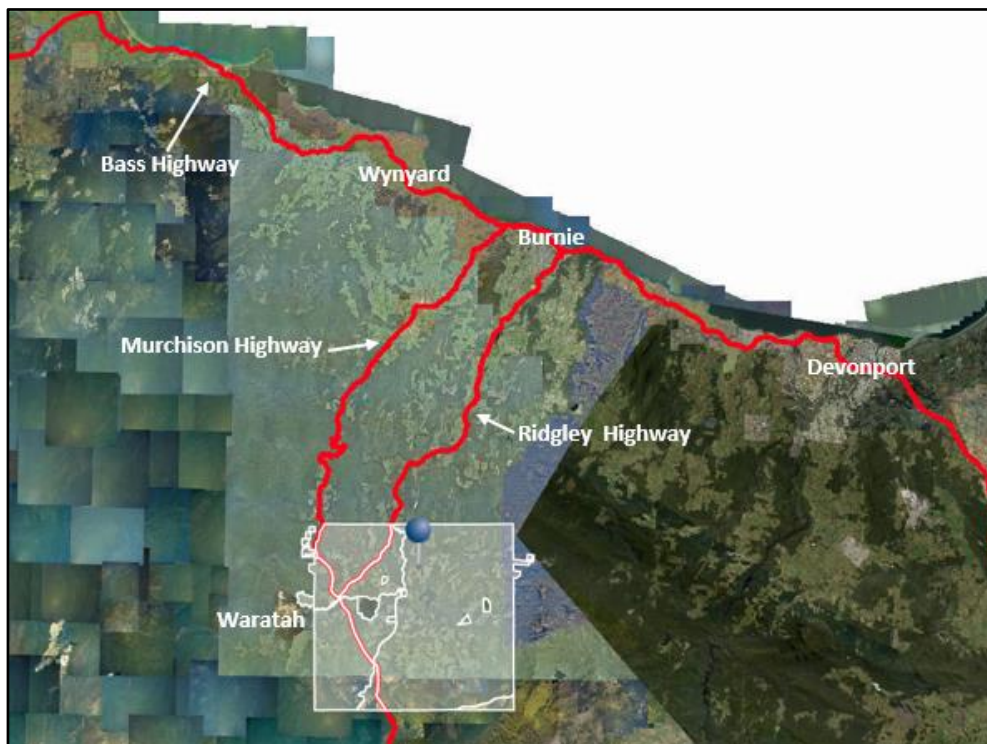
PURPOSE

The purpose of this report is for Council's planning authority to consider the merits of the application DA221/2020 for the construction and use of a meteorological mast against the requirements of the *Waratah-Wynyard Interim Planning Scheme 2013* (the Planning Scheme).

BACKGROUND

The site comprises a single lot that has an area of 51,594ha (refer to Figure 1). It is predominately square shaped with minor appendages at its north-eastern and north-western sides.

Figure 1 - aerial image identifying the location of the site within the context of the municipality and region and a point marker showing where the proposed meteorological mast will be located within the site.



The site is dissected by the Ridgley Highway, the Murchison Highway and the Melba Line (State Rail Network) which are aligned in a general north-south direction. The only other public road that is contained within the site is Guilford Road which extends from Ridgley Highway in an easterly direction for a distance of approximately 6.5km. All other roads within the site are private. Most parts of the site are subject to a Private Timber Reserve (PTR) under the *Forest Practices Act 1985*. It is managed by Forico and is used for plantation forestry and forestry activities.

The building area that will contain the proposed meteorological mast comprises an area of 3.98ha and will be located 9.8km north-west of the Murchison Highway and Ridgley Highway junction, 2.7km north of Talbots Lagoon and 3.9km north-west of the end of the publicly accessible section of Guilford Road (refer to Figure 2). More specifically, the building area is located on the corner of Wey Road to the east and Punk Road to the north, which are private roads (refer to Figure 3).

Figure 2 - aerial image identifying the location of the building area that will contain the proposed meteorological mast within the context of nearby landmarks.

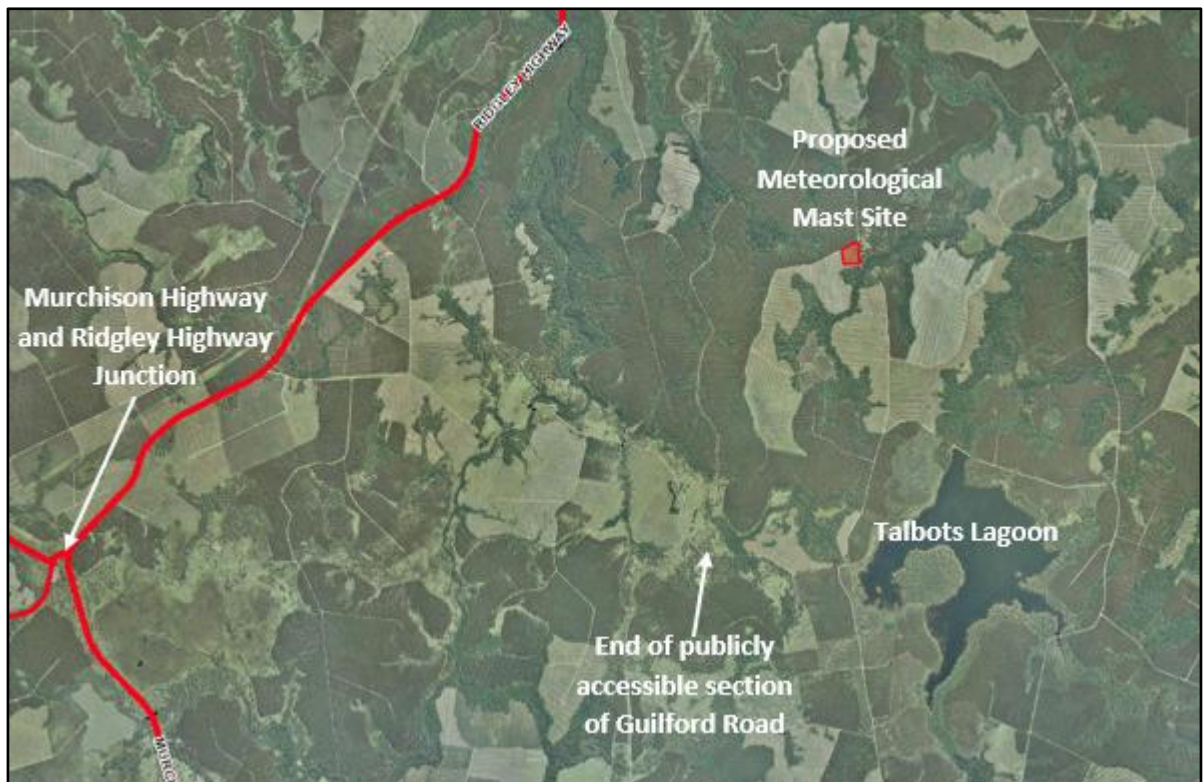


Figure 3 - aerial image showing the building area that will contain the proposed meteorological mast.



The building area is subject to the PTR. It is identified on the TASVEG 4.0 map as containing Highland Poa grassland (GPH) vegetation community which is listed as threatened under Schedule 3A of the *Nature Conservation Act 2002* and it is classified as Class 5 agricultural land in accordance with the LIST mapping database. The building area adjoins or is adjacent to plantation forestry to the west, south and north and native vegetation to the east and south, beyond a strip of plantation forestry.

According to the information contained in the application, the building area has been previously cleared through forestry operations and now comprises a mixture of native vegetation and windrows from discarded forestry debris.

DETAILS

The applicant is seeking planning approval to construct a meteorological mast (“mast”) within the part of the site that was identified as the building area in Figure 3. The proposed mast will have a height of 122.2m. It will comprise a single metal lattice structure that will be supported by three (3) guy wire clusters and will have an overall footprint of 36m², which includes the foundations required to anchor the base of the mast and guy wires.

Approximately 2,200m² of vegetation cover is required to be removed to facilitate the mast. This will comprise of 10m wide buffers along the path of the guy wires from the mast to their anchor points. The vegetation buffer area will be maintained with low cover for the duration of the use of the mast.

Temporary laydown areas will also be cleared to store mast components, machinery and equipment during construction and to provide a winch working area. Figure 4 provides an example of a similar met mast.

Figure 4 - example of a constructed mast to the proposal.



The purpose of the mast is to obtain meteorological data relating to wind and solar which will inform whether renewable energy is capable of being harnessed within the site. The mast will be temporary and will have a life span of between 5 and 10 years. It will be dismantled and removed at the conclusion of its use. With the exception of the construction period, the mast will not cause a material increase in visitation to the site on the basis that data can be retrieved remotely. General maintenance activities and safety inspections will occur periodically during the use of the mast. The extent of visitation will be short and will not require the provision of amenity facilities or the like. Access to the mast will be provided by the existing public and private road network.

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 exhibition period was for 14 days as required under LUPAA. The period for representations closed on 24 February 2021. Four (4) representations have been received.

The issues raised in the are summarised below together with a planning response. Three (3) of the four (4) representations comprised the same content. Therefore, the issues raised in these representations and planning response has been combined.

It is noted that a submission was received from TasRail on 1 March 2021 which was outside the statutory public exhibition period and therefore does not constitute a valid representation. Notwithstanding, TasRail's submission has also been considered below.

While every effort has been made to include all issues raised, the summary should be read in conjunction with the representation which is included as an attachment to this report.

Representor – Tasmanian Parks and Wildlife Service

Issues raised:	Response:
<p>Two observations and recommendations were made:</p> <ol style="list-style-type: none"> 1. The proposed site of the mast is located within a threatened vegetation community. It is noted that the vegetation clearance required to install the mast is small. However, the site is surrounded by land developed for production forestry. It would be more appropriate to locate the mast on previously cleared land than to disturb a threatened community. 2. The proposed mast is also located within threatened species habitat. There are several known Wedged Tailed Eagle nests in the surrounding area. It is recommended that the guy wires be flagged or otherwise marked to increase visibility to avifauna and minimise risk of collisions. 	<p>The Rural Resource zone, amongst other matters, seeks to minimise the likelihood for discretionary non-residential uses to cause loss of land for, or constraint and interference to, existing and potential primary industry use on a site and adjacent land.</p> <p>The area of the site that is identified as the location of the proposed mast is not used for production forestry. Locating the mast into production forestry land within the site would therefore displace an existing primary industry use. The location of the proposed mast in its current position within the site therefore better accords with the provisions of the Rural Resource zone in comparison to being located within production forestry land.</p> <p>The Ecological Assessment concluded that the proposed development would have a very small ecological and disturbance footprint. It included additional recommendations which seek to further reduce the impact of the installation of the mast on the threatened vegetation community. These recommendations form a condition of any approval. On this basis, the proposal is assessed as satisfying the relevant Performance Criteria relating to the protection of a threatened native vegetation community. Therefore, it is considered that the location of the proposed mast within the site is appropriate within the context of the Planning Scheme.</p> <p>The Wedge Tailed Eagle is a listed species under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>.</p> <p>The Ecological Assessment concluded that that the works are not considered to constitute a significant impact so a referral under the <i>Environment Protection and Biodiversity Conservation Act 1999</i></p>

	<p>is not considered warranted. In addition, the proposed location of the mast is approximately 3.5km from the nearest known eagle nest.</p> <p>Council is only able to refuse to grant a permit for the proposal where it is determined that compliance with an applicable Performance Criteria which invokes the relevant discretions is not achieved.</p> <p>The Performance Criteria that relates to consideration of potential impacts on birds is 26.4.2 (P3.2). However, discretion is not invoked against this provision on the basis that the proposal does not involve a wind turbine or wind power pump.</p> <p>Accordingly, impacts on the Wedge Tailed Eagle, or any other bird species is not contemplated by the Planning Scheme for the proposed mast and there is limited ability to apply conditions that seek to control potential impacts on birds.</p> <p>Notwithstanding, it is considered reasonable to include the suggestion made by Tasmanian Parks and Wildlife relating to marking the guy wires as a condition on any permit.</p>
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Representor – Penny Barker, Gavin Edwards, Lisa McAndrew

Issues raised:	Response:
<p>Objects to the proposed mast on the basis that it will result in potential impacts such as injury and death to Wedge Tailed Eagles. Concerns were outlined under the following key headings:</p> <ol style="list-style-type: none"> 1. The area is a known eagle area; 2. Tasmanian Wedge Tailed Eagles are an endangered species; 3. Eagles are protected by state and federal government; 4. Tasmanian Wedge Tailed Eagles will hunt over the mast area; 5. Young plantations are sites where Tasmanian Wedge Tailed eagles hunt; 6. Cleared areas are places where Tasmanian Wedge Tailed Eagles Hunt; 7. The design of the mast increases the chances of eagle injury or death; 8. Eagle deaths and injuries are cumulative; 9. Who will count the eagle deaths and injuries; 10. The mast will be a contributing factor in eagle deaths from the Guildford Wind Farm. 	<p>Council is only able to refuse to grant a permit for the proposal where it is determined that compliance with an applicable Performance Criteria which invokes the relevant discretions is not achieved.</p> <p>The Performance Criteria that relates to consideration of potential impacts on birds is 26.4.2 P3.2. However, discretion is not invoked against this provision on the basis that the proposal does not involve a wind turbine or wind power pump.</p> <p>Accordingly, impacts on the Wedge Tailed Eagle, or any other bird species is not contemplated by the Planning Scheme for the proposed mast and there is limited ability to apply conditions that seek to control potential impacts on birds.</p> <p>Any future windfarm development will need to be assessed under a separate application and would likely be called in under the <i>Environmental Management and Pollution Control Act 1994</i> as a 'Level 2 Activity'. Inherent within the approval process of such an application is consideration of threatened species including bird species.</p>

Representor – TasRail

Issues raised:	Response:
<p>No objection to the proposal was made. However the following observation and request was made:</p> <ol style="list-style-type: none">1. TasRail have a concern about the proposed access to the site which appears to be via a private rail crossing on South Bunkers Road (note this is not a public railway crossing). This railway crossing has not been constructed to carry heavy vehicles. The only permitted use of this private crossing is as per a Licence Agreement between the private landowner and TasRail. <p>TasRail therefore requests that any permit issued for the development include a condition that the developers must seek written approval from TasRail for any/all intended access over the railway crossing on South Bunkers Road (or any other railway crossing) prior to works commencing. Contact property@tasrail.com.au to request a Crossing Licence Application.</p>	<p>There is no statutory mechanism within the Planning Scheme to include TasRail's request as a condition to any permit. Notwithstanding, it is considered reasonable to include their request as an advisory note on any permit.</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.

EXTERNAL REFERRALS

The proposal was referred to the Threatened Species unit of DPIWE. A response was received on 4 February 2021. Based on the recommendations received, a condition requiring that measures be taken to make the guy wires more visible to birds has been included. Other recommendations were supportive of the recommendations within the submitted Natural Values Assessment, which the proposal will be required to comply with.

PLANNING ASSESSMENT

The site is zoned Rural Resource under the Planning Scheme. The use is categorised into the Utilities use class and is Discretionary within the zone, should the application meet all the applicable Acceptable Solutions.

The proposed use does not meet all the applicable Acceptable Solutions. It is therefore submitted as a Discretionary application under Section 57 of LUPAA and assessed under the Planning Scheme, Planning Directive and the relevant State Policies and Acts. Section 57(1)

(b) of LUPAA allows Council to relax or waive the applicable Acceptable Solutions under a Discretionary status.

The proposal relies on the following Performance Criteria for compliance with the relevant standard:

- Requirement for discretionary non-residential use to locate on rural resource land 26.3.1 (P1);
- Location and configuration of development 26.4.2 (P2) and (P3.1); and
- Protection of a threatened native vegetation community or native vegetation providing habitat for a threatened species E6.6.1 (P1).

An assessment of the proposal against the applicable standards is provided below.

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

Acceptable Solution	Performance Criteria
A1 There is not acceptable solution.	P1 Other than for residential use, discretionary permit use must – (a) be consistent with the local area objectives; (b) be consistent with any applicable desired future character statement; (c) be required to locate on rural resource land for operational efficiency – (i) to access a specific naturally occurring resource on the site or on adjacent land in the zone; (ii) to access infrastructure only available on the site or on adjacent land in the zone; (iii) to access a product of primary industry from a use on the site or on adjacent land in the zone; (iv) to service or support a primary industry or other permitted use on the site or on adjacent land in the zone; (v) if required - a. to acquire access to a mandatory site area not otherwise available in a zone intended for that purpose; b. for security; c. for public health or safety if all measures to minimise impact could create an unacceptable level of risk to human health, life or property if located on

	<p>land in a zone intended for that purpose;</p> <p>(vi) to provide opportunity for diversification, innovation, and value-adding to secure existing or potential primary industry use of the site or of adjacent land;</p> <p>(vii) to provide an essential utility or community service infrastructure for the municipal or regional community or that is of significance for Tasmania; or</p> <p>(viii) if a cost-benefit analysis in economic, environmental, and social terms indicates significant benefits to the region; and</p> <p>(d) minimise likelihood for -</p> <p>(i) permanent loss of land for existing and potential primary industry use;</p> <p>(ii) constraint or interference to existing and potential primary industry use on the site and on adjacent land; and</p> <p>(iii) loss of land within a proclaimed irrigation district under Part 9 Water Management Act 1999 or land that may benefit from the application of broad-scale irrigation development.</p>
<p>Planning Comments: Complies</p> <p>The proposed use is consistent with the local area objectives of the zone on the basis that the established primary industry use of the site (plantation forestry and forestry) will continue to function concurrently with the installation of the mast. The mast will only occupy a small footprint (>0.001%) of the overall site inclusive of the vegetation cover that is required to be disturbed to facilitate the ongoing use of the mast. The proposed building area of the site does not contain an existing plantation forestry or forestry coupe and the mast will not conflict or interfere with existing and ongoing forestry operations. Accordingly, the proposed use will not displace primary industry use that currently occurs within the site. The subject property is identified as comprising a mixture of Class 5, 6, 7+6 and 7 agricultural land. Therefore, the municipality's prime agricultural land resource will not be impacted upon. Overall, the presence of the proposed mast is not expected to unduly exclude, conflict or interfere with surrounding primary industry activities.</p> <p>The proposed use is consistent with the desired future character statements of the zone on the basis that the mast will minimise disturbance of physical terrain by way of occupying a small footprint relative to the total area of the site, locating on land that has previously been modified, and utilisation of and siting adjacent to existing road infrastructure which will avoid additional land clearance.</p> <p>The proposed use is required to locate on the site to access wind and solar resources which occur above and across the site and adjacent land.</p> <p>The remaining area of the site will continue to be utilised for primary industry activities for the purposes of plantation forestry and forestry. Given the non-sensitive nature of the proposed mast and substantial setbacks from adjacent Rural Resource zoned land within different ownership, it is expected that there will be minimal disturbance, interference or fettering of existing and potential agricultural activities and uses on the site and adjacent land. Furthermore, the subject property is not located within a proclaimed irrigation district under Part 9 of the <i>Water Management Act 1999</i>.</p>	

26.4.2 Location and configuration of development

Acceptable Solution	Performance Criteria
<p>A2</p> <p>Building height must not be more than 8.5m.</p>	<p>P2</p> <p>Building height must -</p> <ul style="list-style-type: none"> (a) minimise likelihood for overshadowing of a habitable room or a required minimum area of private open space in any adjacent dwelling; (b) minimise apparent scale, bulk, massing and proportion in relation to any adjacent building; (c) be consistent with the streetscape and rural landscape; (d) respond to the effect of the slope and orientation of the site; and (e) take into account the effect and durability of screening other than vegetation to attenuate impact.
<p>Planning Comments: Complies</p> <p>The mast has a maximum height of 1222m and therefore does not comply with the acceptable solution. Assessment against the performance criteria is required.</p> <p>The proposed mast will be located over 15km from the nearest dwelling in Waratah. As such, the proposed mast will not be overshadowing a habitable room or a required minimum area of private open space in any dwelling.</p> <p>The proposed mast is not expected to cause material visual impacts upon the landscape. The main mast pole will be narrow and of a lattice structure. Guy wires will be narrower. Accordingly, the prominence of the mast and guy wire components will diminish as the viewing distance to the mast increases at a larger rate than that of a comparative structure such as a telecommunications tower or wind turbine.</p> <p>The significant distances from publicly accessible areas internal to, and external from, the site coupled with the reduced surface area of the mast components will minimise visibility of the mast when viewed from the publicly accessible areas. It is more likely that the mast will not be visible from publicly accessible areas on the basis that the road corridors are generally lined with mature forest vegetation which will fully screen the view field toward the mast.</p> <p>The proposed building area is not adjacent to a public streetscape. The mast will be consistent with the rural landscape which includes other utility infrastructure including an electricity transmission corridor on the western side of Ridgley Highway (which is visible from the highway whereas the proposed mast is unlikely to be visibly from the highway) and powerlines.</p> <p>Notwithstanding, the mast is only expected to be erected for a temporary period (up to 10 years) following which it will be removed from the landscape.</p> <p>It is considered that the location, height and visual appearance of the proposed meteorological mast is appropriate with respect to the performance criteria.</p>	

26.4.2 Location and configuration of development

Acceptable Solution	Performance Criteria
<p>A3.1</p> <p>A building or utility structure, other than a crop protection structure for an agricultural use or wind power turbines or wind power pumps, must –</p> <ul style="list-style-type: none"> (a) not project above an elevation 15m below the closest ridgeline; (b) be not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland; (c) be below the canopy level of any adjacent forest or woodland vegetation; and (d) clad and roofed with materials with a light reflectance value of less than 40%. 	<p>P3.1</p> <p>The location, height and visual appearance of a building or structure except for wind power turbines or wind power pumps must have regard to –</p> <ul style="list-style-type: none"> (a) minimising the visual impact on the skyline; (b) minimising height above the adjacent vegetation canopy; (c) minimising visual impact on the shoreline or a marine or aquatic water body, water course, or wetland where possible; and (d) minimising reflection of light from an external surface.
<p>Planning Comments: Complies</p> <p>The height of the met mast will project above ridgelines and the forest canopy. Assessment against the performance criteria is required.</p> <p>Visual impacts of the proposed mast will be minimised by its narrow lattice structure and thin guy wire componentry. The lattice configuration minimises the surface area of the structure and increases its transparency. Additional mitigating factors to the visual impact and visibility of the proposed mast within the landscape is its siting within the centre of a large site and substantial distances from publicly accessible areas internal to, and external from, the site.</p> <p>The presence of established vegetation along, or in proximity to, primary road corridors and other publicly accessible areas along with the differences in topography between these areas and the proposed mast will also minimise its visibility within the landscape, in particular in view fields where the mast breaches the skyline or adjacent vegetation canopies.</p> <p>The metal framing that will be used to construct the mast and the mast itself will not incorporate any reflective panels or lighting. The finish is likely to be galvanised or similar which will provide low contrast and minimise reflectivity from external surfaces of the structure.</p> <p>It is considered that the location, height and visual appearance of the proposed mast is appropriate for the landscape having regard to Performance Criteria P3.1.</p>	

E6.6.1 Protection of a threatened native vegetation community or native vegetation providing habitat for a threatened species

<p>A1</p> <p>(a) Vegetation must not be any of the following;</p> <ul style="list-style-type: none"> (i) a threatened native vegetation community; (ii) contain threatened flora or be threatened fauna habitat; or (iii) be within 30m of a water body, watercourse, wetland, or coastal shoreline; or <p>(b) the removal or destruction of any rare or threatened species or rare or threatened communities protected under state or commonwealth legislation must not occur unless authorised by the appropriate agency.</p>	<p>P1</p> <p>The harvesting of timber or the clearing and conversion of native vegetation must -</p> <ul style="list-style-type: none"> (a) be justified by exceptional circumstance; or (b) be necessary to deliver an overriding environmental benefit for the region; and <p>(c) be unlikely to have an adverse effect on -</p> <ul style="list-style-type: none"> (i) value of the habitat for a species managed under the <i>Threatened Species Protection Act 1995</i> or the <i>Nature Conservation Act 2002</i>; (ii) ability to contribute to the Tasmanian comprehensive, adequate, and representative vegetation conservation reserve system; or (iii) value of shoreline vegetation for water quality management; and <p>(d) have regard to any advice or decision of the relevant entity for applicable native vegetation or wildlife protection and conservation for -</p> <ul style="list-style-type: none"> (i) impact of the use or development on the objectives and outcomes for protection and conservation of native vegetation and wildlife; and (ii) any condition or requirement for protection or conservation of a threatened native vegetation community or of vegetation providing threatened species habitat.
<p>Planning Comments: Complies</p> <p>The proposed mast will result in the removal and disturbance of a threatened native vegetation community listed in Schedule 3A of the <i>Nature Conservation Act 2002</i>. An Ecological Assessment accompanied the application.</p> <p>According to the applicant, the proposed mast is necessary for the delivery of an overriding environmental benefit for the region. The purpose of the mast is to obtain data relating to wind and solar resources within the area which will determine the viability of future renewable energy infrastructure including wind turbines and solar panels or a mixture of both. It has been submitted that the environmental benefits of renewable energy sources will exceed those of non-renewable energy sources. The proposal is therefore necessary for the delivery of an overriding environmental benefit for the region. This position is accepted.</p> <p>The removal or disturbance of a threatened vegetation community under the <i>Nature Conservation Act 2002</i> is regulated by the <i>Forest Practices Act 1985</i> predominately through a Forest Practices Plan (FPP).</p>	

An FPP is not required where a planning permit for a building and associated development is issued under the *Land Use Planning and Approvals Act 1993*¹.

In this instance, the proposed mast is not directly associated with an activity that is regulated by an FPP and the application has been made under the *Land Use Planning and Approvals Act 1993*. Accordingly, approval to remove and disturb the vegetation community as part of the proposed use and development is regulated by Council acting as a Planning Authority.

The proposed removal and disturbance of the native vegetation community is unlikely to have an adverse effect upon the value of the community. The Ecological Assessment determined that the proposed development would have a very small ecological and disturbance footprint. It includes additional recommendations to reduce the impact of the installation on identified threatened vegetation community. It is therefore recommended that a condition be applied to any permit requiring the proponent to adhere to the recommendations contained within the Ecological Assessment.

The Ecological Assessment concluded that the proposal will not disturb known sites of species listed on schedules of the Tasmanian *Threatened Species Protection Act 1995* and that the works are not considered to constitute a significant impact so a referral under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* is not considered warranted.

The building area is not located in proximity to a shoreline and is located over 100m from Sheppard Creek to the south-east. Vegetation along the riparian zone of Sheppard Creek is required to be retained by the PTR and associated logging practices.

The proposal is considered to comply with the performance criteria.

STATUTORY IMPLICATIONS

Land Use Planning and Approvals Act 1993

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

In accordance with Section 57 of LUPAA and Council's Planning Scheme, the proposal is an application for a discretionary permit. Council may approve or refuse discretionary permit applications after considering the Planning Scheme and representations received. It is noted that four (4) representations were received during the exhibition period.

Local Government (Building & Miscellaneous Provisions) Act 1993

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

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

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

¹ Section 4(j) of the *Forest Practices Regulations 2007*.

FINANCIAL IMPLICATIONS

There are no financial implications to Council other than those ordinarily associated with administering 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 (Sections 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.

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 the report.

The proposed meteorological mast is categorised into the Utilities use class which is identified as Discretionary in the Rural resource Zone and relies on the Performance Criteria in relation to building and utility structure height and removal of a threatened vegetation community.

The substantial distance from publicly accessible areas to the proposed mast site and its narrow, partially transparent structure and low surface reflectivity will minimise its visibility within the landscape. An Ecological Assessment has determined that the extent of threatened vegetation community that is proposed to be removed or disturbed will be marginal. A permit condition has been recommended requiring the proponent to adhere to the recommendations contained within the Ecological Assessment which seek to further reduce adverse impacts on the threatened vegetation community.

The application is considered to comply with the Rural Resource Zone and applicable code provisions in the Planning Scheme. It is therefore recommended that Council issue a planning permit for the proposed meteorological mast subject to the listed conditions.

MOVED BY	CR HYLAND
SECONDED BY	CR DUNIAM

That the planning authority, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Waratah-Wynyard Interim Planning Scheme 2013*, grant approval for a Meteorological Mast at Guilford Road, Guilford (CT 14494/1) subject to the following conditions:

- (1) The use and development is to be generally in accordance with the application as submitted and endorsed documents as listed:
 - (a) Supporting Planning Report with Job Number 1920-099 inclusive of Appendix A, B and C as prepared by ERA Planning and Environment and dated 15 December 2020.
- (2) During construction and routine maintenance of the use and development the recommendations listed under the heading 'Summary and recommendations' on Pages 14 and 15 of the endorsed Ecological Assessment are to be implemented to the satisfaction of Council's Manager Development and Regulatory Services.
- (3) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.
- (4) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
- (5) All guy wires are to be flagged or otherwise marked to increase visibility to avifauna and minimise risk of collisions.

Notes: -

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

- This use 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 use is established in accordance with *Building Act 2016*.
- This permit is based on information and particulars set out in Development Application DA 221/2020. Any variation requires an application for further planning approval of Council.
- This use is not to result in the generation of environmental harm or nuisance as defined in the *Environmental Management and Pollution Control Act 1994*.
- TasRail requires the proponent to obtain written approval for any or all intended access over the railway crossing on South Bunkers Road (or any other railway crossing) prior to works commencing. TasRail can be contacted at property@tasrail.com.au to request a Crossing Licence Application.
- 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.

Cr Fairbrother moved an AMENDMENT to the MOTION

MOVED BY	CR FAIRBROTHER
SECONDED BY	CR BRAMICH

That the planning authority, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Waratah-Wynyard Interim Planning Scheme 2013*, grant approval for a Meteorological Mast at Guilford Road, Guilford (CT 14494/1) subject to the following conditions:

- (1) The use and development is to be generally in accordance with the application as submitted and endorsed documents as listed:
 - (a) Supporting Planning Report with Job Number 1920-099 inclusive of Appendix A, B and C as prepared by ERA Planning and Environment and dated 15 December 2020.
- (2) During construction and routine maintenance of the use and development the recommendations listed under the heading 'Summary and recommendations' on Pages 14 and 15 of the endorsed Ecological Assessment are to be implemented to the satisfaction of Council's Manager Development and Regulatory Services.
- (3) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.
- (4) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
- (5) All guy wires are to be flagged, marked and maintained to increase visibility to avifauna and minimise the risk of collisions. The design and placement of the visual cable identifiers is to be informed by an eagle / raptor specialist with experience in managing and mitigating cable collisions.

The AMENDMENT to the MOTION was put and was CARRIED.

IN FAVOUR

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

That the planning authority, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Waratah-Wynyard Interim Planning Scheme 2013*, grant approval for a Meteorological Mast at Guilford Road, Guilford (CT 14494/1) subject to the following conditions:

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

-
- (a) Supporting Planning Report with Job Number 1920-099 inclusive of Appendix A, B and C as prepared by ERA Planning and Environment and dated 15 December 2020.
- (2) During construction and routine maintenance of the use and development the recommendations listed under the heading 'Summary and recommendations' on Pages 14 and 15 of the endorsed Ecological Assessment are to be implemented to the satisfaction of Council's Manager Development and Regulatory Services.
- (3) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.
- (4) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
- (5) All guy wires are to be flagged, marked and maintained to increase visibility to avifauna and minimise the risk of collisions. The design and placement of the visual cable identifiers is to be informed by an eagle / raptor specialist with experience in managing and mitigating cable collisions.

The MOTION was put and was CARRIED.

IN FAVOUR

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

PLANNING AUTHORITY CLOSED AT 6.48PM

The Manager Development and Infrastructure Services left the meeting at 6.48pm

7.0 MATTERS RAISED BY COUNCILLORS
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7.1 RESPONSE(S) TO COUNCILLOR QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING**7.1.1 CR D FAIRBROTHER - MORTON STREET****QUESTION**

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

OFFICERS RESPONSE

Officers advise that this road casement was created as part of the Morton Road sub-division surveyed and sealed 1979.

The road casement CT12572/8 (Prior CT 3775/30) was officially transferred to Council via Memorandum of Transfer 802838 from Bernard Francis Morton and Elaine Margaret Morton to the Warden and Councillors and Electors of the Municipality of Wynyard for \$1 on the 15/06/1982. An excerpt of the memorandum of Transfer is attached below for information.

7.2 COUNCILLOR QUESTIONS RECEIVED IN WRITING

Nil received.

7.3 COUNCILLOR QUESTIONS WITHOUT NOTICE

7.3.1 NORTH WEST SALE YARDS

Cr Darren Fairbrother asked the Mayor for an update on the North West Sale Yards.

The Mayor took the question on notice.

7.3.2 CR DUNIAM - TULIP CHAIRS

Cr Mary Duniam asked if the final Tulip chair in Goldie Street was going to be removed and if all the chairs were going to be repaired and where would they then be located.

The question was taken on notice.

7.3.3 CR DUNIAM - DOG INCIDENTS ON BEACHES

Cr Mary Duniam asked for details of the number of breaches of the Dog Management Policy since the new signs had been installed and how many infringement notices had been issued.

The question was taken on notice.

7.3.4 CR BRAMICH - MT HICKS ROUNDABOUT

Cr Gary Bramich asked that Council write to State Growth re the condition of the Bass Highway at Mt Hicks Roundabout and Doctors Rocks. He also requested an update on the maintenance program for mowing of grass at Calder Road Roundabout.

The question was taken on notice.

8.0 NOTICE OF MOTION

8.1 CR M BRADLEY - FOSTERS ROAD

PROPOSED MOTION

That Council:

- 1. Rescind Motion 8.2 Re-naming of Fosters Road carried at the General Meeting of Waratah-Wynyard Council 19 October 2020;**
- 2. Alter the name of Forsters Road to Fosters Road; and**
- 3. Notify the relevant authorities and landowners adjoining that road of the change.**

BACKGROUND INFORMATION

At the September 2020 General Meeting of Waratah-Wynyard Council, the decision was to retain the name of Fosters Road. This decision was based on a Council survey of the 16 residents of Fosters Road on the proposed name change. The results were that 50% of residents participated in the survey, and 75% voted against the name change from Fosters Road to Forsters Road.

Despite the results of this survey, this Council rescinded the September decision at the General Meeting of Waratah-Wynyard Council on 19 October 2020. This decision was made without any consultation with the residents of Forsters Road.

Under the *Place Names Act 2020*, in accordance with the guidelines, the Council as the responsible authority for a place referred to in section 4(1)(c) must ensure that any naming action, performed in respect of the place complies with (a) the relevant provisions of the guidelines (see *Tasmanian Place Naming Guidelines, September 2020* p. 9). Section 2 (p.9) *The Place Naming Process* and sub-section 2.1 *Who can propose place names?* states clearly: *The community should also be consulted to ensure its views are considered.*

While Council as the defined addressing authority have the power to make addressing decisions on behalf of the community, it is of great concern that residents of Forsters Road were not informed of the proposal to rescind the original Decision (September 2020 General Meeting of Waratah-Wynyard Council) and were only informed post the decision to rescind this original Decision, without consultation.

It is evident from representations made by current residents of Forsters Road, that they are very aggrieved at this lack of consultation by Council prior to rescinding the Decision made at General Meeting of Council September 2020.

The *Tasmanian Place Naming Guidelines, September 2020* p. 9, sub-section 2.2 *Requirements for consultation* states that:

Place names have an important role within the community with many names, including road names, having a direct effect on individuals. It is essential that the community is adequately consulted as part of the process in the development of a place name proposal and opportunity is provided to ensure that the proposed name is acceptable to the community as well as conforming to these guidelines. Public participation in the place naming process lends

strength and provides a level of ownership to a naming proposal, which will assist in the approval process.

The level of consultation required is largely dependent upon the type of feature proposed to be named or altered, the significance of the feature to the community and any direct impacts of the proposal to an individual.

For altering a road name, locality name, approving a new locality name, or major changes to a locality boundary, it is critical that extensive community consultation is undertaken, including ensuring affected residents are made aware of the proposal. This can be done by public notices, advertising in local government publications or letters to residents.

I strongly remind this Council that it is legally bound to abide by the *Place Naming Act 2020 Guidelines*.

I ask Councillors to support and approve this Motion and provide the residents of Forsters Road (hopefully to revert to Fosters Road) a sense that this Council appreciates and understands the significance of this road name for the residents as Fosters Road.

Few to offer	
	GRAND HOSTESS (3-4)
	(Raised by Tom Foster in 1967 Tasmania Australia)
	Has brilliant rounded white petals contrasted with a very large bright flat cup.
	Only a few to offer \$3.00 Each

Petition against the renaming of Fosters Road Wynyard

Name	Address	Signature
C. Lockwood	8 Fosters Rd	C. Lockwood
Karla Webb	15 Fosters Rd	Karla Webb
Zac Taylor	16 Fosters Rd	Zac Taylor
LEIGH WALKER	28 FOSTERS RD	Leigh Walker
MARYL CROPPER	2 FOSTERS RD WYNYARD	Maryl Cropper
BOB CROPPER	" "	Bob Cropper
Jody Bequith	41 Fosters Rd	Jody Bequith
JENNY WILLIAMS	74 FOSTERS RD.	Jenny Williams
Allan Williams	74 Fosters Road	Allan Williams
Travis and Michelle Walker	31 Fosters Road	Travis and Michelle Walker
DIANA HAMILTON	80 FOSTERS ROAD	Diana Hamilton
JADE AGE	30 FOSTERS	Jade Age
MARTIN & MARY SMITH	55 FOSTERS RD	Martin & Mary Smith
Michael Cox	40 Fosters Rd.	Michael Cox
Sharon Cox	40 Fosters Rd.	Sharon Cox
John Saward	8 Fosters Rd	John Saward
BOB WILLIAMS	54 Fosters Rd	Bob Williams

STATUTORY REQUIREMENTS

The *Local Government Act (Meeting Procedures) 2015* advises:

18. Motion to overturn decision

- (1) For the purposes of this regulation, a decision may be overturned, wholly or partly, by –
 - (a) a motion directly rescinding or otherwise overturning the decision or part of the decision; or
 - (b) a motion that conflicts with, or is contrary to, the decision or part of the decision.
- (2) A council or council committee may only overturn a decision passed at a previous meeting held since the last ordinary election –
 - (a) by an absolute majority, in the case of a council; or
 - (b) by a simple majority, in the case of a council committee.
- (3) Any report given by the general manager to a council in respect of a proposed motion to overturn a decision of the council, or that will result in the overturning of a decision of the council, wholly or partly, is to include –
 - (a) a statement that the proposed motion, if resolved in the affirmative, would overturn that previous decision or part of that previous decision; and
 - (b) the details of that previous decision, or the part of that previous decision, that would be overturned; and

(c) advice as to whether or not that previous decision, or that part of that previous decision, directed that certain action be taken; and

(d) if that previous decision, or that part of that previous decision, directed that certain action be taken, advice as to whether or not that action has been wholly or substantially carried out

OFFICERS COMMENT

Following the outcome of the September 2020 Council meeting determined the name of Fosters Road remain, the October 2020 Council meeting saw a motion moved rescinding the prior decision and mandating to change Fosters Road to Forsters Road.

The original decision and the outcome of the September decision had not been communicated to residents and it was foreshadowed by Councillors soon after the September meeting they wished to revisit the matter at the next meeting.

Following this decision, notifications of this change, along with subsequent addressing changes, were distributed to third parties as outlined in Council Street Naming and Addressing Policy. The following third parties were notified of the changes:

- DPIPWE (State Government)
- AEC (Australian Electoral Commission)
- Australia Post
- Tas Networks
- Telstra
- NBN
- Housing Tasmania
- Internal Council Departments

These changes are now in effect with all parties having been notified and changes implemented in their individual systems. Council have also ordered a replacement street sign, which once received is intended to replace the existing Fosters Road sign.

Prior to the September decision, Council Officers consulted with residents by way of conducting a survey. The common sentiment of the survey was that the majority of residents opposed the renaming due to the burden of having to update their address with a myriad of institutions e.g. Banks, Insurance companies. There was at least one business owner that explained that the impost and associated cost would be substantially higher for them over a purely residential address. The sentiment has been subsequently reinforced by the overwhelming opposition from Fosters Road residents in a letter received by Council in February this year.

Council Officers included the outcome of the survey in reports presented to Council at both the September and October Council meetings. The sentiment and outcome of the consultation process was therefore known to Council in its decision making process. Further consultation is not necessary and would simply reinforce the same result.

Council, as the defined addressing authority, have the power to make addressing decisions on behalf of the community. The aim of Council addressing is to ensure uniqueness and historical significance in street naming along with logical and clear assignment of parcel addressing. Council must balance this with the effect of any decisions on residents impacted. This is a discretionary matter for Council and both decisions to date have been consistent with Councils Policy and associated legislative requirements and addressing standards.

MOVED BY	CR BRADLEY
SECONDED BY	CR COURTNEY

That Council:

- 1. Rescind Motion 8.2 Re-naming of Fosters Road carried at the General Meeting of Waratah-Wynyard Council 19 October 2020;**
- 2. Alter the name of Forsters Road to Fosters Road; and**
- 3. Notify the relevant authorities and landowners adjoining that road of the change.**

PROCEDURAL MOTION

MOVED BY	CR HYLAND
SECONDED BY	CR DUNIAM

That the MOTION now be PUT

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM			CR HYLAND

AGAINST

		CR FAIRBROTHER	

MOVED BY	CR BRADLEY
SECONDED BY	CR COURTNEY

That Council:

- 1. Rescind Motion 8.2 Re-naming of Fosters Road carried at the General Meeting of Waratah-Wynyard Council 19 October 2020;**
- 2. Alter the name of Forsters Road to Fosters Road; and**
- 3. Notify the relevant authorities and landowners adjoining that road of the change.**

The MOTION was put and was CARRIED.

IN FAVOUR


MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM			CR HYLAND

AGAINST

		CR FAIRBROTHER	

9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 SUSTAINABLE MURCHISON 2040 COMMUNITY PLAN UPDATE

To:	Council
Reporting Officer:	Director Organisational Performance
Responsible Manager:	General Manager
Report Date:	27 November 2020
File Reference:	000.22
Enclosures:	1. Cradle Coast Authority Futures Plan Progress Report for 2020/21 

PURPOSE

To provide an update on Sustainable Murchison 2040 Community Plan (SMCP) activities to Council.

BACKGROUND

Waratah-Wynyard Council has been the lead agent in the development and implementation of the SMCP which was endorsed by participating Councils in November 2016. The Plan was developed by Waratah-Wynyard Council, Circular Head Council, King Island Council and West Coast Council in 2016. Burnie City Council and Cradle Coast Authority were identified as key stakeholders and were invited to participate.

The Sustainable Murchison 2040 Community Plan (SMCP) is the community's plan which is premised on the belief that through one voice and collective action the Murchison region can be a place where community aspirations are achieved. The plan provides a community vision and evidence-based framework for the sustainable development of the Murchison region.

The shared vision provided by the Plan is built on nine future direction themes, each of which has several strategic objectives. The Regional Framework Plan brings together the projects, actions and outcomes to address the challenges and opportunities for Murchison against each strategic objective.

The Sustainable Murchison Reference Group was developed to progress projects and actions comprises of;

Shane Crawford	General Manager, Waratah Wynyard Council
Scott Riley	General Manager, Circular Head Council
Simon Overland	General Manager, Burnie City Council
Sam Searle	Director Organisational Performance, Waratah Wynyard Council
Matthew Saward	Director Strategic Governance, Circular Head Council
Rodney Greene	Director Community & Economic Development, Burnie City Council
Daryl Connelly	Chief Executive Officer, Cradle Coast Authority
Carol Bracken	Program Manager – Regional Futures Plan, Cradle Coast Authority

Synergies with the Cradle Coast Futures Plan

In 2018, the Cradle Coast Futures Plan (CCFP) was developed by Cradle Coast Authority with input from all nine of the region's councils. The CCFP is supported by the state government and other key stakeholders as an important blueprint for growing the region's economy. The CCFP compliments the SMCP Plan and provides an overarching economic development framework. Synergies include providing regional economic infrastructure and creating education and employment pathways.

A Memorandum of Understanding was entered between Waratah Wynyard Council, Circular Head Council and Burnie City Council in May 2019 recognising the synergies that exist between the CCFP and the SMCP. This means that there will not be a duplication of effort in progressing initiatives.

The Futures Plan provides a mechanism for sub regional activities to be undertaken with the wider regional support where appropriate. The SMCP contains several immediate High Priority Regional Actions which are likened to Regional Pathfinder Actions and Priority Area Actions within the RFP. These are outlined below.

SUSTAINABLE MURCHISON PLAN	CRADLE COAST REGIONAL FUTURES PLAN
Governance	Governance and Oversight
Integrated Freight Strategy	Regional Economic Infrastructure
Clusters	Strategic cluster and network development to support collaborative business models
UTAS Northern Transformation Project	Education and Employment Pathways
Regional Workforce Development Plan	Regional Workforce Development Plan
Battery of the Nation	Battery of the Nation

Cradle Coast Authority has accepted responsibility for implementing the Futures Plan and has a dedicated resource to assist in implementing the Plan.

Collaboration at the regional level, is key to ensuring that the existing efforts in economic development and education are more effective.

DETAILS

Cradle Coast Futures Plan Update

A Regional Governance Framework has been developed and provides a strong platform for collaboration and implementing projects and actions.

Regional Economic Development Steering Group

A small group of high-profile people from industry and senior government and university officials. The role of the Steering Committee is to oversee implementation of the Futures Plan and advocate on behalf of the region.

Working Groups

Comprising people from private and public sector to share information and/or develop project ideas for collective action.

Core Team

Comprising staff from Cradle Coast Authority, staff from member Councils and other agencies to support the working groups through facilitation and project management.

Teams have commenced work with Waratah Wynyard participating in the Core Team and Working Groups as required. Council has committed to make the equivalent of 0.2 FTE employees available to participate and support the and work on regional projects.

The attached Briefing Note provides an update from Cradle Coast Authority on the financial year to date activities of the Regional Futures Plan.

Key activities completed by the Working Groups that have been completed to date for FY 2020/21 include:

- Education & Training Working Group reviewed Councils University and VET scholarship contributions.
- Choose Cradle Coast Working Group reviewed the population and attraction approach.
- Events Working Group discussed region wide digital events for COVID – ongoing agenda item

The report highlights key economic indicators for the region, completed actions and actions currently underway mapped the Regional Futures Plan KPIs.

Sustainable Murchison Reference Group (SMRG) Meeting- November 2020

The Reference group met in November 2020 and reviewed the actions contained in the Community Plan.

The group agreed to focus its efforts on working together on the following 5 priority projects. An update against each is provided for the information of Council.

Sustainable Murchison Plan Reference	Priority Project
<p>BUSINESS & INDUSTRY</p> <p>B16 Facilitate development of workforce plans for each industry sector in Murchison to understand industry requirements, identify skill gaps and employment pathways.</p>	<p>1. Commence a programme with shared trainees and apprentices between Councils.</p> <p>A significant skills shortage was identified in the area of civil construction across the region due to increasing demand for skills from opportunities arising in the renewable energy sector opportunities; and an aging workforce.</p> <p>The skills shortage is likely to increase wages and may hamper the regions ability to take advantage of opportunities arising.</p> <p>Councils are a key employer in the civil construction industry and are also competing for the same skills.</p> <p>Recruitment of trainees will be required to meet the future needs of Councils and industry.</p> <p>There is an opportunity for Local Government to become a “training centre” to provide industry with more trained workers into the future. This will require a commitment to ‘release’ trainees into industry at the completion of their traineeship and recruit another cycle of trainees.</p> <p>Environmental Health and childcare workers are other skill gap areas identified that could be targeted.</p>
<p>TOURISM</p> <p>V2 Undertake a review of business tourism industry structures and governance to maximise the benefits from the T21 partnership visitor economy strategies.</p>	<p>2. Revisit the Visitor Services Review for the Cradle Coast and consider opportunities to work together to improve service delivery.</p> <p>This review was commissioned by the Cradle Coast Authority. The Review was undertaken to increase the efficiency and effectiveness of visitor services in the region and to demarcate the roles and responsibilities of stakeholders in the delivery of visitor services across the region including the regions Councils.</p> <p>The aim of revisiting the review is to consider the information needs for visitors to ensure they are met and to ensure that opportunities for the region are maximised. Enhancement of services in key visitor gateway locations in our region may be explored.</p>
<p>STRONG COMMUNITIES & SOCIAL CAPITAL</p> <p>SC1 Prepare economic growth scenarios for regional Tasmania to assist with population forecasting and demand modelling for community facilities.</p>	<p>3. Coordinate a Sub-Regional Strategy in relation to the Land Use Planning. The Cradle Coast Land Use Strategy requires renewing.</p> <p>It was noted that the state is no longer in a state of population decline. Up to date regional information will ensure that challenges are identified ensuring that our future needs are understood and can be met.</p>

Sustainable Murchison Plan Reference	Priority Project
ACCESS AND INFRASTRUCTURE 4.1 Facilitate development of a regional transport network strategy that identifies key upgrades and appropriate and flexible public transport to meet work, health, educational and tourism needs.	4. Collectively lobby and advocate for the Bass Highway upgrade including a commitment to completion timeframes. It was agreed that a letter from the 3 Mayors to State Government requesting detail on how / when the money will be spent for Regional Transport Network.
A15 Ensure all communities across Murchison connected at feasible speeds and communication black spots are removed.	5. Lobby the Department of State Growth and local MPs for funding to improve internet speeds and address mobile blackspots. Digital connectivity is an economic enabler and capacity limits and band width are an issue in the region for some areas. The current state of connectivity within the region needs to be better understood so that collective action can be taken to lobby the government for funding. Circular Head Council and Waratah Wynyard Council recently met with Telstra and MP Gavin Pearce to discuss the problems and better understand the solution required. Telstra will work with Councils to progress a submission for fund a regional solution.

Regional Engagement

The Sustainable Murchison Plan is the community's plan and collaboration at the regional level is key to ensuring that through one voice and collective action (facilitated by participating Councils) community aspirations for the future can be achieved. Council partnered with other Councils in the region on adoption of the Plan.

Murchison comprises of the entire Tasmanian west coast, north west Tasmania, and King Island and accommodates approximately 29,000 residents in four local government areas: Waratah-Wynyard, Circular Head, West Coast, and King Island. The regional centre is Burnie and although Burnie was not included in the initial Murchison Plan study area, Burnie's role is included in the Sustainable Murchison Community Plan.

Currently, there is a lack of engagement and commitment to the Plan with partnering Councils. Invitations extended to the West Coast Council and King Island Council to participate in the Reference Group have not been accepted.

Burnie City Council at its meeting in February 2021 resolved to retire and archive the Sustainable Murchison Community Plan citing that the assumptions and operating environment that existed at the time the plan was endorsed are no longer valid. Whilst there is a desire to continue to collaborate, Burnie is no longer able to resource the Plan.

Cradle Coast Authority is also currently undertaking an evaluation of the Cradle Coast Futures Plan.

Given the lack of regional engagement with the Plan, it is recommended that Council make allowance for the review of the Plan in the 2021/22 financial year to assess the ongoing relevance of the Plan in the post COVID environment. It is recommended that this occur following the evaluation of the Cradle Coast Futures Plan.

Waratah Wynyard continues to be committed to the actions contained in the plan and will continue to progress actions in line with arising opportunities. Council has recently advertised for a part time Economic Development Officer to facilitate local economic development actions and activities that fit within Councils existing plans and strategies which include the Sustainable Murchison Plan. The role will allow for greater collaboration with local businesses and with Business North West.

STATUTORY IMPLICATIONS

Statutory Requirements

There are no statutory obligations arising from the acceptance of this information report.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 1: Leadership and Governance
Desired Outcomes
We encourage broad community input to create a focussed and strong sense of belonging.
Our Priorities
1.3 Encourage increased participation by all stakeholders.
GOAL 2: Organisational Support
Desired Outcomes
We are future-focussed and value continuous improvement.
Our Priorities
2.7 Maintain and develop effective collaboration and resource-sharing practices with Circular Head Council.
GOAL 3: Connected Communities
Desired Outcomes
We listen and engage with our community in decision making.
Our Priorities
3.2 Deliver engagement strategies that adapt to community needs to ensure effective communication and collaboration.
GOAL 4: Community Recreation and Wellbeing
Desired Outcomes
Our community values, encourages and supports physical, social and cultural activities.
Our Priorities
4.6 Encourage community providers to be welcoming, supportive and inclusive, and to provide for all ages, abilities and cultures.
GOAL 5: Economic Prosperity
Desired Outcomes
We understand our local and regional potential, and we plan for and encourage investment in it.

Our Priorities
5.2 Investigate and embrace new economic opportunities.
GOAL 6: Transport and Access
Desired Outcomes
Our transport and access network can accommodate the changing needs of our industry and community.
Our Priorities
5.2 Investigate and embrace new economic opportunities.
GOAL 7: Environment
Desired Outcomes
Stewardship of our land, water and marine ecosystems respects past, present and future generations.
Our Priorities
7.2 Foster opportunity through sustainable development and community engagement.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Business & Industry	Specialised diversity of the economy – Value adding, diversification, innovation and employment. A resilient economy with global brand recognition and growing exports.
Tourism	Memorable visitor experiences all year round – The must see destination, quality product, easy access, popular events and festivals with coordinated marketing. A longer season with increasing yields.
Strong communities and social capital	Enduring community capital – Growing, proud, self-reliant communities that are inclusive and engaged with volunteers and shared facilities.
Access and infrastructure	Local, regional and global transport and infrastructure access – Safe and efficient access alternatives, growing freight capacity, renewable energy, water management and contemporary communications. Community infrastructure that supports economic development.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

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

CONSULTATION PROCESS

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

CONCLUSION

It is recommended that Council note the Sustainable Murchison Plan update.

MOVED BY	CR DUNIAM
SECONDED BY	CR COURTNEY


That Council note the Sustainable Murchison 2040 Community Plan update.

The MOTION was put and was CARRIED.

IN FAVOUR

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

9.2 FINANCIAL MANAGEMENT STRATEGY (FMS) REVIEW 2021 TO 2031

To:	Council
Reporting Officer:	Director Organisational Performance
Responsible Manager:	Director Organisational Performance
Report Date:	1 March 2021
File Reference:	Financial Management - Financial Management Strategy
Enclosures:	1. Revised Financial Management Strategy 2021 to 2031 

PURPOSE

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

The document will replace Councils existing Financial Management Strategy 2020 to 2030 adopted in March 2020.

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

BACKGROUND

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

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

DETAILS

The Waratah-Wynyard's Financial Management Strategy (FMS) is critical to Council's strategic planning process. It underpins Councils long-term financial sustainability while meeting the needs and expectations of our communities in delivering Council's strategic priorities.

Council is currently in a strong financial position with strong liquidity and cash flow, low debt levels, assets that are in good condition, and an ability to satisfactorily fund its asset renewal requirements. Councils operating position has also improved in recent years and is sustainable with its recurrent expenses able to be fully met by its recurrent revenue streams.

The document includes Councils Financial Management Strategies and Long-Term Financial Plan for the next 10-year period.

The FMS is pivotal in setting the high-level financial parameters that guide the development and refinement of Council's annual plan and budget estimates and generates information that assists decisions about the mix, timing and affordability of future capital and operational outlays.

This FMS achieves the following outcomes:

- A financially sustainable operating position across all years.

-
- A minimum cash balance of \$4m at 30 June each year.
 - A demonstrated strong financial position with Council being able to comfortably meet its financial obligations as and when they fall due.
 - Continued low rating per head of population which is well below the state average and neighbouring urban centres.
 - The inclusion of \$1.2m in operational efficiency targets over the next 3 years.

The Strategy highlights the need for Council to fund additional recurrent costs associated with its new capital projects which are estimated to be approximately \$1.2m over the next three years.

Operational improvements of \$1.2m will be required to offset new operational costs associated with short-term capital expenditure (projects expected to be delivered over the next 3 years). This could be achieved by way of decreasing expenditure or increasing revenue streams (by way of development and population growth or rate increases).

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

Strategic Projects

Council has adopted a range of masterplans and strategies in consultation with the community outlining future community aspirations which require a capital investment of approximately \$60m over the next 10 years. In addition to the capital outlays, additional recurrent costs will be incurred and will need to be planned for and carefully managed.

For longer-term projects, the FMS is not about determining what and when Council will spend. The modelling guides Council in how much it is likely to have at its discretion to allocate in future years.

Capital and operational outlays in the immediate years are known with greater certainty. As a part of the 2020-21 budget deliberations, Council elected to support the local economic recovery by bringing forward several projects to support the use of local employment and resources. Several projects valued at around \$12m are now underway including the construction of the multi-use yacht club and the coastal pathway between Cooee and Wynyard.

Projects that have a strong community expectation of delivery over the next 3 years require a further \$13m in capital spending and include the following:

- Completion of the Anzac Park All Abilities Playground
- Additional Flood Mitigation Works
- East Wynyard Foreshore (subject to current review and detailed design and costing)
- Waratah Bridge
- Cardigan Street Upgrades
- Yolla Toilets
- Commencement of the Boat Harbour Beach Masterplan (retaining wall)
- Coastal Erosion Works to provide protection to Council infrastructure and assets
- IGA Junction Safety Improvements

As a result of current year spending and additional operational costs for future capital projects Council recurrent expenditure is expected to increase by \$1.2m over the next three years.

In addition to the above projects there are a range of medium to long term projects that must also be planned for. For these projects, the FMS is not about determining what and when Council will spend on individual projects. The FMS sets the various financial strategies that will effectively determine the amount of funds Council will have at its discretion to allocate in future years. These projects include:

- OSSR Sport and Recreation Ground masterplans for various sporting precinct masterplans including:
 - Somerset Primary School, incorporating Langley Park
 - Wynyard Recreation Ground
 - Wynyard Recreation Centre
 - Frederick Street Reserve
 - Cam River Masterplan
- Table Cape Road Redevelopment
- Central Area Development Plan
- Boat Harbour Beach Masterplan Stage 2

Funding Strategic Projects

Operational costs for projects in later years is not included in the modelling but are expected to be substantial. Budgetary decision making will need to be guided by affordability of proposals having regard to Council's long-term financial sustainability (ability to afford additional operational costs).

Grant funding opportunities will be actively pursued and will be an important funding source for Council to deliver on the above projects in future years. Additional operational costs associated with these projects will also need to be carefully planned and managed to ensure that rate increases are maintained at a reasonable level.

The FMS will be updated on an annual basis to account for changes to Councils operating environment and guide Council decision making.

STATUTORY IMPLICATIONS

Statutory Requirements

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

70. Long-term financial management plans

(1) A council is to prepare a long-term financial management plan for the municipal area.

(2) A long-term financial management plan is to be in respect of at least a 10-year period.

(3) A long-term financial management plan for a municipal area is to –

(a) be consistent with the strategic plan for the municipal area; and

- (b) refer to the long-term strategic asset management plan for the municipal area; and
- (c) contain at least the matters that are specified in an order made under section 70F as required to be included in a long-term financial management plan.

70A. Financial management strategies

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

(2) A financial management strategy for a municipal area is to –

(a) be consistent with the strategic plan for the municipal area; and

(b) contain at least the matters that are specified in an order made under section 70F as required to be included in a financial management strategy.

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

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

Sustainable Murchison Community Plan 2040

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

Council Strategy or Plan Reference

Council Strategy or Plan	Date Adopted:
Waratah Community Plan	Adopted February 2018
Destination Action Plan	Adopted January 2017
Weed Management Strategy	Adopted December 2005
East Wynyard Foreshore Master Plan	
Central Area Development Plan	Adopted May 2019
Age Friendly Communities Plan 2019-2024	Adopted March 2019
Y Plan – (Youth) 2019-2024	Adopted March 2019

Council Strategy or Plan	Date Adopted:
Community Health and Wellbeing Plan 2019-2024	Adopted April 2019
Strategic Asset Management Plan	
Tourism Plan (2011- 2020)	Annual Plan Action
Communication and Engagement Strategy 2019/2021	Adopted June 2019
Waste Strategy 2019-2024	Adopted August 2019
Strategic Asset Management Plan (SAMP)	Adopted November 2019
Boat Harbour Beach Master Plan	Adopted August 2019
iCEP (Integrated Council Environmental Plan 2020-2030)	Adopted August 2020
Cam river Masterplan	Adopted August 2020
Open Space, Sport and Recreation Plan 2017-2027	Adopted September 2017

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.

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

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

RISK IMPLICATIONS

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

As the FMS modelling includes the need to find \$1.2m in operational improvements over the next 3 years, there are several risks in Council progressing with its significant capital works program without identifying where the operational improvements will be found.

If Council is unable to find the operational improvements identified in the FMS it may be required to increase rates and charges by more than that indicated in the FMS. To not do so would put at risk the organisations ability to demonstrate financial sustainability and financial position.

CONSULTATION PROCESS

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

The Strategy will be presented at the Audit Panel meeting to be held 23 March 2021.

The Strategy has been workshopped with Council on 22 February 2021.

CONCLUSION

That Council adopt the Financial Management Strategy 2021 to 2031 that defines the principles and strategies that Council will follow including:

1. A financially sustainable operating position across all years.
2. A minimum cash balance of \$4m at 30 June each year.
3. A demonstrated strong financial position with Council being able to comfortably meet its financial obligations as and when they fall due.
4. Continued low rating per head of population which is well below the state average and neighbouring urban centres.
5. Note the inclusion of \$1.2m in operational improvement targets over the next 3 years.

MOVED BY	CR DUNIAM
SECONDED BY	CR COURTNEY

That Council adopt the Financial Management Strategy 2021 to 2031 that defines the principles and strategies that Council will follow including:


- 1. A financially sustainable operating position across all years.**
- 2. A minimum cash balance of \$4m at 30 June each year.**
- 3. A demonstrated strong financial position with Council being able to comfortably meet its financial obligations as and when they fall due.**
- 4. Continued low rating per head of population which is well below the state average and neighbouring urban centres.**
- 5. The inclusion of \$1.2m in operational improvements over the next 3 years.**

The MOTION was put and was CARRIED.

IN FAVOUR

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

9.3 SURVIVE AND THRIVE MINOR GRANT ROUND RECOMMENDATION

To: Council
Reporting Officer: Manager Community Activation
Responsible Manager: Director Community and Engagement
Report Date: 9 March 2021
File Reference: 01
Enclosures: 1. Survive and Thrive Minor Grant Round Recommendation Report 

PURPOSE

This report summarises the goals, participation, and resulting recommendations of the 2021 Survive and Thrive Minor Grant Round.

BACKGROUND

The Survive and Thrive grants were launched by Waratah-Wynyard Council in October 2020 in response to COVID-19. The initial grant round was led by a four-member steering committee that was formed to oversee a process created and endorsed by the Council. The steering committee considered how to provide timely financial support to tourism, hospitality, business innovation and community activation in the Waratah-Wynyard municipality.

The Survive and Thrive Minor Grant Round was offered to enable the continuation of economic activity and strengthening of the local economy and community. The Survive and Thrive Minor Grant Round sort to provide additional community funding to help Waratah-Wynyard based businesses and community groups to build resilience, thrive and innovate to mitigate the effects of COVID-19.

DETAILS

The quality of the grant applications received was generally good, with many applicants having project ideas with clear community benefit. A panel of Council Officers independently assessed the applications using a matrix which numerically rated the strength of the responses to the questions posed in the application with a weighting of 1-5. 1 being low and 5 being high. Scores were given under the following headings:

- Project idea
- Addresses an opportunity that has risen from C19, or withstand and mitigate C19 effects
- Community benefit
- Sustainability - ongoing and recurrent costs can be met
- Capacity - resourced, equipped, able to deliver
- Promotion
- Budget - comprehensive and realistic

The three distinct categories each received a score based on the following:

- Tourism and Hospitality - Stimulates visitors to area

-
- Business Innovation - Implementation of a business solution in response to C19
 - Community Activation - Activates community and spaces

The independent scoring was then compared, and the final grant recommended projects selected. The ratings of each assessor were very consistent, with only minor disparities.

An application under Community Activation proposed a project in collaboration with Council, and conditions regarding this will be formally addressed prior to releasing funds.

The guidelines and application form clearly outline that it is the applicant's responsibility to achieve all relevant approvals and that the awarding of grant monies did not imply that Council permission was being given for the project. Successful applicants will need to pursue any necessary permits and approvals.

This report has been prepared to provide an overview of the Survive and Thrive Minor Grant Round process and outcome and makes a recommendation for the allocation of funding for the Survive and Thrive Minor Grant Round for approval. All grant funding paid under the program will be disclosed and reported to the community in Council's Annual Report.

A summary of each of the successful applications is as follows –

Overview of Grant Applications Survive & Thrive Minor Grant Round

1. Coastal Finance (TAS) Pty Ltd – Start-up Company Structure and relocate to shop front in Main Street of Wynyard.

The aim of the project is to provide support to the community and have a presence of support for clients who need help with their financial situations. Coastal Finance want to engage in education of the younger generation and attend community events to engage with building client's goals and achieving them. Educating the Spend and Save technique and Educate the importance of understanding comprehensive credit score especially for young adults about to turn 18 who will be seeking credit.

2. Building Somerset's Future Community Group – Greenspace Project

This project seeks to provide community support and momentum for initiatives outlined in the Waratah-Wynyard Council's Liveable Waratah Wynyard Settlement Strategy. The intention is to provide traction to initiatives for tree plantings in designated greenspace corridors and the development of "pause points" within the Somerset township.

The project seeks funding to provide native plants that can be used in developing greenspace corridors and pause points. It will provide a positive outlet for community engagement and provide clear and ongoing enhancement of the liveability of the Somerset community.

3. Domus – Domus Crafters

Domus needs new chairs/tables and storage for the groups, so activities can get back to pre Covid-19 numbers and safely social distance. There are lots of new community member's keen to join the group and as it stands, they can't seat them all safely at the one table. The grant would be used to purchase foldaway trestle tables and stackable chairs, so as not to impact on the retail space during the rest of the trading week, as well as storage shelving to store cushions/cleaning and other associated equipment.

4. Live well Tasmania – Refurbishing the Live well Tasmania Community Centre

Live Well are refurbishing their Community Centre so that they can run a variety of health and wellbeing activities for the general public, but particularly for disadvantaged people and youth. In

the Waratah-Wynyard area there is relatively low levels of health, including high levels of psychological distress, combined with relatively low levels of education and income. Live Well have just completed a “Get Active Program” which helped participants increase their physical exercise levels and assisted with mental health, and are now starting another program aimed at improving mental health which will include using movement such as Yoga and Tai Chi. They also aim to make the space available for other community groups to run meetings and community events. They aim to address the issue arising from Covid-19 of worsening mental health and increased social isolation. They have found a significant level of resources to convert the Community space from a mechanics garage, one of the remaining things needed are purchase of floor coverings for the concrete floor.

5. Kentish Regional Clinic Inc. – CORES Suicide Prevention Training

Delivery of two CORES Suicide Prevention training sessions – one in Wynyard and one in Waratah. The training sessions are open to anybody over the age of 15. The staff will facilitate this training and, because we don't currently have any volunteer facilitators in Waratah or Wynyard, we are looking to identify community members who are interested in becoming volunteer facilitators. This will ensure the continuation and viability of the Network.

6. Somerset Amateur Basketball Association – SABA – FIBA Live stats Laptop Replacement

FIBA Livestats is software program that is used internationally to record all the statistics of senior basketball games. It is a requirement of the NWBU that SABA use this software to record the statistics for all senior home games. The laptop they currently use was purchased in 2014 and is no longer fit for purpose as over the years with numerous operating systems and software upgrades it has slowed to the point it is nearly unusable. As such SABA would like to purchase a new laptop with a 17” screen to replace the old one that will simplify use to capture the statistics at home games.

7. Rotary Club of Wynyard – Renew Community Signs

Upgrade the three Community Service Club Signs located at Kymmies, Airport entrance and the entrance to Wynyard from western end. All signs are faded and have obsolete information that needs updating. The target groups are people who are interested in giving back to the community.

8. Yolla Memorial Hall – Internal Painting

The interior of the hall is in dire need of repainting & brightening up to make a more pleasant environment and conducive to public use. With the onset of Covid-19 it has been impossible to hold functions to supplement the upkeep & use of the hall. It is envisaged that the hall could become a convenient centre for mass vaccination of the local population. Covid-19 has made a profound change in society with more people relocating from urban centres to a rural environment. This benefits the rural areas with increased population, transitioning from a rural based populace to a mixture of rural, retirees and families who work in the urban areas.

9. Waratah Men's Shed – New indoor bowling mat

The grant will be used to purchase an additional indoor bowling mat. In November 2020 after consulting with a few Waratah residents it was agreed to meet twice a week to play indoor bowls. Since then the number of residents playing has grown as the game is suitable to all ages and skill levels. Providing physical and mental exercise as well as good social interaction in a safe Covid-19 environment. Unfortunately, not everyone is able to play, at each session, so an additional mat is needed.

10. RedJaf IGA X-Press – Shop face arcade upgrade

The project will refurbish a wall to make it available in the Somerset mall for another mural. By building a wall over a small open section against the shop it will block off the wheelie bins and leave a blank wall ready to add to the murals recently put in the mall thus improving the overall look of the mall. The wall would be rendered blue board painted in plain grey ready for a mural.

11. Somerset Strikers Cricket Club Inc. – Equipment

The SSCC are always trying to recruit new people to the club and have done so successfully this year. Unfortunately, they are struggling with most money coming to the club over the bar which is unsustainable. The grant will be used to buy equipment so that they can continue to play games on the weekends. Without new cricket gear/balls they can't participate in games. The Club hopes to get more people involved as they continue to improve our off/on field experiences. The location is at the local cricket ground at Langley Park.

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 understand our local and regional potential, and we plan for and encourage investment in it.
Our Priorities
3.4 Build community capacity through services and programs that strengthen, support and care for our community.

GOAL 4: Community Recreation and Wellbeing
Desired Outcomes
Our community uses its voice to shape its future alongside a strong Council willing to listen and implement where reasonable and practical.
Our Priorities
5.2 Investigate and embrace new economic opportunities.

GOAL 5: Economic Prosperity
Desired Outcomes
Long-term sustainable economic growth is achieved through adaptability and innovation.
Our Priorities
3.6 Facilitate activities and events that promote inclusion, health, safety and a sense of place.

Sustainable Murchison Community Plan 2040

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

Council Strategy or Plan Reference

Council Strategy or Plan	Date Adopted:
Waratah Community Plan	Adopted February 2018
Age Friendly Communities Plan 2019-2024	Adopted March 2019
Y Plan – (Youth) 2019-2024	Adopted March 2019
Community Health and Wellbeing Plan 2019-2024	Adopted April 2019
iCEP (Integrated Council Environmental Plan 2020-2030	Adopted August 2020
Open Space, Sport and Recreation Plan 2017-2027	Adopted September 2017

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The recommended grants for approval are within the budgetary allocation. Correspondence with successful grant recipients will outline requirements and funding allocation.

RISK IMPLICATIONS

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

CONSULTATION PROCESS

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

CONCLUSION

That the recommendations for the allocation of funding for the Survive and Thrive Minor Grant Round be accepted as provided in this report. A full list of successful applicants is to be published in the Annual Report.

MOVED BY	CR COURTNEY
SECONDED BY	CR DUNIAM

That Council endorse the allocation of funding to successful applications for Survive and Thrive Minor Grant Round in accordance with the following table:


Successful Applicants			
No	Name of Organisation	Description of project	Amount Requested
Tourism & Hospitality			
0	No applications received in this category		
Business Innovation			
1	Coastal Finance (TAS) Pty Ltd	Start-up company structure and relocate to shop front in main street of Wynyard	\$2000
2	Domus – Domus Crafters	Domus Crafters, safe and comfortable chairs and tables for activities	\$2000
3	RedJaf IGA X-Press	Shop face arcade upgrade	\$2000
Community Activation			
4	Building Somerset's Future Community Group	Greenspace Project – provide native plants	\$2000
5	Live well Tasmania	Flooring for Live Well Tasmania Community Centre	\$1950
6	Kentish Regional Clinic Inc.	CORES Suicide Prevention Training	\$2000
7	Somerset Amateur Basketball Association	FIBA Live stats laptop replacement	\$2000
8	Rotary Club of Wynyard	Renew community signs	\$2000
9	Yolla Memorial Hall	Internal painting	\$2000
10	Waratah 7321 Men's Shed	New indoor bowling mat	\$2000
11	Somerset Strikers Cricket Club Inc.	Sporting Equipment	\$1989.86

The MOTION was put and was CARRIED.

IN FAVOUR

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

9.4 SISTERS BEACH COMMUNITY CENTRE

To: Council
Reporting Officer: Project Manager
Responsible Manager: Director Community and Engagement
Report Date: 1 March 2021
File Reference:
Enclosures: 1. Sisters Beach Community Centre Consultation Report - Moore Consulting 

PURPOSE

The purpose of this report is to advise Council the outcomes of the engagement and investigation process into the feasibility of operating a community centre at Sisters Beach.

BACKGROUND

In 2015, Council developed a Sisters Beach Open Space Plan which highlighted several key recommendations in relation to a community centre in the area:

- Establish a 'community precinct' that supports infrastructure that is primarily used and managed by the Sisters Beach community
- Develop a feasibility study, business case and design brief for the development of a multi-purpose community building
- Re-establish the Fire Station as a "stand alone" emergency response building

This plan has since been superseded by the Council's *Open Space, Sport and Recreation Plan* (OSSR), adopted in 2017. The OSSR recommends the investigation into redeveloping a community meeting space in conjunction with the fire shed at Sisters Beach or other central community space.

Following these plans, Council collaborated with a small community focus group in 2019 to discuss a number of topics, including the feasibility of a community centre at Sisters Beach. Key points from these discussions included a lack of certainty on whether there was a justifiable need/demand for a community centre and potential management models.

In Council's 2020/21 Annual Plan, the Council committed to investigating the feasibility of a community centre at Sisters Beach by way of concept planning and operational modelling. An extract of the Annual Plan is included below:

GOAL 4: Community Recreation and Wellbeing	
Strategy	Action
Outcome 4.1 – Our community is welcoming and supportive	
4.1.1 Collaborate with community organisations that provide recreation opportunities to our community.	4.1.1.1 Develop a concept plan and operational model for a community centre in Sisters Beach.

To effectively respond to some of the questions raised during earlier recreational planning exercises, a part of the 2020/21 process needed to incorporate early engagement with the community. Specifically, this engagement was to identify the possible uses of a community centre, determine level of demand, identify an appropriate location, concept designing and outline a preferred ownership and management model.

To aid in the consultation process, *Moore Consulting* were engaged to focus on community engagement around preferred uses of a community centre, frequency of use and operational models for ownership and management. This work would then inform recommendations around location and concept design of a community centre in this area.

DETAILS

Community members were invited to participate in the working group through an expressions of interest process (EOI). Interested parties were asked to register their interest by completing the relevant form and/or contacting Council by the 25 September 2020. It was advertised through the following methods:

- Council website (17 September)
- Poster displayed at the Sisters Beach General Store (18 September)
- Social media (22 September)

A representative of the Sisters Beach Community Association contacted council soon after the closing date of the EOI, requesting a short extension to enable a broader circulation and greater time for individuals to register their interest. Following this request, the closing date for EOI was extended to the 8 October.

During the advertised period, four community members registered their interest. Contact was attempted through Moore Consulting by email and phone to arrange an individual interview with each registered person. Out of this process, only two individuals wished to participate in the project. The remaining two either could not be contacted or declined to participate in the process any further. An additional interested party then came forward who was also contacted by Moore Consulting for an interview process.

In December 2020, Moore Consulting approached the Sisters Beach Community Association who invited members and residents to participate in the consultation process. No further respondents came forward.

As a last attempt to draw greater engagement with the community in relation to this project, Moore Consulting attended the opening of the Sisters Beach Recreation Park on Saturday 20 February 2020. During this time, no-one offered comments or views regarding the suggested community centre.

The establishment of a community centre at Sisters Beach is likely to require significant funds for both the construction and ongoing maintenance and running of the facility. Typically, this level of investment requires sufficient community interest/demand to warrant funding. Risks of funding the project when there is a predicted low-level use by the community include the likelihood of an under-used asset, operating costs being subsidised by the broader Waratah-Wynyard community through the general rate and possible rises in vandalism due to the increased opportunities of a vacant building.

At the time of writing this report, attempts to engage the community have resulted in an extremely low participation rate with less than 1% of the Sisters Beach population offering a perspective on the community centre. This result indicates that at this time, there could be insufficient interest within the community and insufficient people with the capacity and capability to manage and operate a community centre at Sisters Beach.

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 4: Community Recreation and Wellbeing
Desired Outcomes
Our community is welcoming and supportive.
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.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Strong communities and social capital	Enduring community capital – Growing, proud, self-reliant communities that are inclusive and engaged with volunteers and shared facilities.
Access and infrastructure	Local, regional and global transport and infrastructure access – Safe and efficient access alternatives, growing freight capacity, renewable energy, water management and contemporary communications. Community infrastructure that supports economic development.
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:
Open Space, Sport and Recreation Plan 2017-2027	Adopted September 2017

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

This report does not recommend progressing further with a community centre at Sisters Beach and as a result there are no financial implications.

However, if a community centre was constructed, an initial outlay of approximately \$300,000-\$500,000 would be required for the construction of a suitable facility.

Ongoing annual operational costs are expected to be in the vicinity of \$18,000 per annum, based on the average actual costs of similar facilities. If the proposed facility was a Council

asset, some of the annual costs would be recovered through a hire charge to user/s. The revenue from this charge is anticipated to recover approximately 5-7% of the annual costs that will be accrued, the remaining 93-95% would need to be funded by the broader community via the general rate.

If the community centre was privately owned, Council would not be responsible for operating or maintenance of the facility and therefore the owner would need to cover the annual costs through their own method/s.

RISK IMPLICATIONS

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

CONSULTATION PROCESS

Initially, the community were invited to participate in this project through an expressions of interest process, which was open for a total of three weeks. Additional opportunities for engagement were made available through the local community association as well as in person at a well-attended community event.

CONCLUSION

The provision of a community centre at Sisters Beach has been discussed for some years. The expression of interest process and subsequent attempts to attract feedback did not generate sufficient interest and this indicates a potential low-level of asset use. Additionally, this could indicate there is limited community capacity and desire to manage and operate a community centre in the area. It is therefore recommended that Council determine not to proceed further with the provision of a community centre at Sisters Beach.

MOVED BY	CR DUNIAM
SECONDED BY	CR COURTNEY

That Council:

- 1. Note the Sisters Beach Community Centre Consultation Report; and**
- 2. Determine, at this time, not to proceed further with the provision or construction of a community centre at Sisters Beach**

The MOTION was put and was CARRIED.

IN FAVOUR

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

9.5 YOLLA PUBLIC TOILET OPTIONS REVIEW

To: Council
Reporting Officer: Project Manager
Responsible Manager: Director Infrastructure and Development Services
Report Date: 2 March 2021
File Reference:
Enclosures: 1. Yolla Public Toilet Options Review Report 

PURPOSE

The purpose of this report is to note the findings from the Yolla Public Toilet Options Review, which investigates the merits of various options for including a public toilet within Yolla.

BACKGROUND

Yolla is a small rural village approximately 20km south of Wynyard. The township is located on the junction of Mount Hicks Road and the Murchison Highway. In 2016, the Australian Bureau of Statistics recorded 316 people living in Yolla and 149 private dwellings. The main township includes a school, general store, pharmacy, recreation ground and other businesses and assets.

Council has received community feedback suggesting that a public toilet is desired within Yolla. The closest public toilet to Yolla is within the Somerset CBD which is approximately 17 minutes' drive by car. If travelling south past Yolla, the next closest toilet is another 27 minutes' drive and located at the Hellyer Gorge Rest Stop. This means that at a minimum, travellers heading south from Somerset will need to travel at least 44 minutes before reaching a toilet, depending on the route chosen.

Both the Murchison Highway and Mount Hicks Road are common routes for trucks, visitors and local traffic. There are anecdotal reports that visitors often stop in at the general store to ask for access to a public toilet.

Council's adopted *Open Space, Sport and Recreation Plan 2017-2027* (OSSR) and its associated Public Toilets Issues Paper provides insights, guidelines and recommendations to improve Council's existing public toilet portfolio. Specifically, it recommends to:

Negotiate with a local business to provide a public toilet or open the toilet in the recreation ground for community use.

DETAILS

Three options were identified and considered within the Options Review Report which included the comparison against the current state (no public toilets), partnering with the owner of land adjoining the general store, and upgrading existing Council owned and maintained amenities at the Yolla Recreation Ground.

A multi-criteria analysis was used to consistently score each option and provide a recommendation to support future Council decision-making about the option most suitable to service the community. The criteria used for the analysis included a desktop assessment of the benefits, costs and risks for each option. The results of the analysis against each option is included in the table below:

	Option 0 Do Nothing	Option 1 Upgrades at Yolla Rec Ground	Option 2 New construction on private land
Benefits	1	3	2
Costs	3	2	1
Risks	4	5	3
TOTAL	8	10	6

Ultimately, the decision to proceed or not to proceed with a public toilet in Yolla rests with the value derived by the community including the level of demand and predicted use of a public toilet in this area. The information available currently has indicated that a public toilet is warranted in the township of Yolla, as supported by Council's OSSR, anecdotal feedback from the community, traffic counts and travel distances between existing rest stops.

It is clear from the above assessment that providing a public toilet in Yolla has greater net benefits than the "do nothing" scenario, regardless of the additional cost. The assessment also indicated that at present, the upgrading of existing amenities at the Yolla Recreation Ground presents greater net benefits (and therefore greater community benefit) when compared to a new build on other land.

There are a number of ways the existing amenities at the recreation ground can be upgraded to meet the requirements of a public toilet block that includes accessible toilets compliant with the Disability Discrimination Act, Building Act and Regulations and associated Australian Standards. Two of these options have been presented as concept ideas within the appendix of the Options Review Report. Out of these concepts the proposal to extend the existing amenities block to construct an accessible public toilet is less likely to disrupt the use of the amenities during sports events/game day and therefore it is the preferred option.

A preliminary discussion was held with representatives of the Yolla District School around the potential to incorporate a public toilet with the existing amenities at the Yolla Recreation Ground. There were some concerns raised regarding these upgrades, such as the possible increase to traffic movements in School Lane and the impact these might have on the school. Further engagement with all key stakeholders during the design phase is recommended in order to identify possible solutions to these (and other) concerns.

STATUTORY IMPLICATIONS

Statutory Requirements

Any new construction or major works to existing buildings will trigger a requirement to meet current standards contained within the *Building Act 2016*. This includes the requirement for a public toilet block to include at least one accessible toilet.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 4: Community Recreation and Wellbeing
Desired Outcomes
We provide recreational opportunities to the community for all ages and abilities.
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.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Tourism	Memorable visitor experiences all year round – The must see destination, quality product, easy access, popular events and festivals with coordinated marketing. A longer season with increasing yields.
Access and infrastructure	Local, regional and global transport and infrastructure access – Safe and efficient access alternatives, growing freight capacity, renewable energy, water management and contemporary communications. Community infrastructure that supports economic development.
Health and Wellbeing	Maintaining good health and wellbeing – Healthy communities, people taking responsibility for their wellness, convenient access to medical services and facilities.
Place making and liveability	Liveable places for all ages – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.

Council Strategy or Plan Reference

Council Strategy or Plan	Date Adopted:
Open Space, Sport and Recreation Plan 2017-2027	Adopted September 2017

POLICY IMPLICATIONS

The Asset Management Policy is relevant in this instance in assessing on going life cycle costs from new asset investments.

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The financial implications of construction can be difficult to determine based on conceptual ideas and plans. These costs can generally be more refined upon detailed planning and design that considers the technical aspects of the construction. Whilst it is difficult to predict costs when at concept stage, it is probable that an option to construct new will be more expensive to upgrade existing infrastructure.

Indicatively, upgrades to the existing infrastructure at the Yolla Recreation Ground could require a \$100,029 initial capital outlay to cover design, approvals, construction and signage. It is anticipated that this would require an increase to ongoing operational costs of an estimated \$10,766 per year, based on the provision of one DDA public toilet.

RISK IMPLICATIONS

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

CONSULTATION PROCESS

Representatives of the Yolla General Store were contacted during the preparation of the options review. A preliminary discussion was also held with representatives of the Yolla District School.

If future funding is committed to construction, a communications plan will be developed as part of the project planning phase and will identify the key stakeholders to contact which is likely to include the Yolla District School and other recreation ground users.

CONCLUSION

Based on the assessment of options against the selected criteria and the evidence that supports a possible level of demand for a public toilet block in Yolla, it is therefore recommended that the Council:

- 1 Note the Yolla Public Toilet Block Options Review Report;
- 2 Undertake detailed design and planning for the upgrades of the Yolla Recreation Ground amenities, including consultation with the relevant stakeholders
- 3 Allocate \$100,000 funding for the provision of a Yolla Public Toilet through the Local Roads and Community Infrastructure Program (Round 2)

MOVED BY	CR COURTNEY
SECONDED BY	CR HYLAND

That Council:

- 1. Note the Yolla Public Toilet Block Options Review Report;**
- 2. Undertake detailed design and planning for the upgrades of the Yolla Recreation Ground amenities, including consultation with the relevant stakeholders; and**
- 3. Allocate \$100,000 funding for the provision of a Public Toilet at Yolla through the Local Roads and Community Infrastructure Program (Round 2)**

The MOTION was put and was CARRIED.

IN FAVOUR

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

9.6 AWARD OF CONTRACT #755 - OLD BASS HWY FOOTPATH AND CARPARK SEAL

To:	Council
Reporting Officer:	Manager Engineering Services
Responsible Manager:	Director Infrastructure and Development Services
Report Date:	1 March 2021
File Reference:	
Enclosure	Tender evaluation cover page contract #755 - Confidential

To determine Council's position in relation to tender submissions received for the construction of asphalt sealed carparking areas, guard rail installation and construction of a shared coastal pathway between Port Creek and Nurses Retreat, Wynyard.

BACKGROUND

The provision of sealing the existing car park areas at Port Creek and Nurses Retreat has been adopted in the 20/21 budget along with progression of the Coastal Pathway. A section of guard rail installation on the northern side of Port Creek Bridge was deferred as part of the bridge works to be incorporated with the Coastal Pathway works.

The aim of this project is to provide a sealed car parking area, extension of the existing Coastal Pathway through the east Wynyard Foreshore to link Nurses retreat and to complete the guard rail works associated with the Port Creek Bridge. There will also be drainage improvement works and armour rock revetment to protect the section of the Coastal Pathway.

Provision of these works is to be undertaken by an external contract provider, owing to the expense of specialist equipment and skills required, the duration over which the works are to be undertaken and the forecast works scheduling of internal staff.

A call for tenders for provision of these works was published in the Advocate Newspaper and on the Tenderlink website on Saturday, 6 February, 2021.

DETAILS

The contract operates as a Schedule of Rates (SoR) contract, based upon estimated quantities to deliver the scope of the project. Tender price comparison and assessment of each individual tender, based upon pre-defined tender criteria, defines the recommendation to Council to award the Contract.

The pre-defined tender criteria associated with this project is defined below. Tender evaluation will adopt weighted selection criteria in accordance with the following table:

SELECTION CRITERIA	% WEIGHTING
Project understanding including quality and completeness of submission	15
Capacity and resources, materials, Plant and Equipment to complete the works including financial viability	20

Capability and relevant experience of personnel and management.	10
Quality Management Systems, including WHS, Traffic, risk and environmental	5
Tender Sum	50
	100

At the close of tenders on 24 February 2021, twelve (12) contractors had accessed the tender documents via Tenderlink and two (2) contractors submitted tenders for the works.

Tender submissions received from;

- Hardings Hotmix Pty Ltd
- Civilscape Contracting Tasmania

Each tender submission has been evaluated against the range of weighted key selection criteria by a selected tender review committee. The assessment documents have been provided to Councillors as a confidential attachment.

In considering all other matters associated with the project and tender submission it is recommended that Civilscape Contracting Tasmania be awarded the project.

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 6: Transport and Access
Desired Outcomes
Pathways to improve liveability now and in the future are provided.
Our Priorities
6.2 Plan for all movements and modes of transport with a fit-for-purpose network.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Access and infrastructure	Local, regional and global transport and infrastructure access – Safe and efficient access alternatives, growing freight capacity, renewable energy, water management and contemporary communications. Community infrastructure that supports economic development.
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	
Strategic Asset Management Plan	

POLICY IMPLICATIONS

Whilst not formally adopted in a Policy format, council has made a commitment to the establishment of a Coastal Shared pathway between Wynyard and Burnie. This project signifies a validation of this commitment and a commencement of Coastal Pathway works from the Wynyard township towards Burnie

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

This project encompasses four separate projects and four separate budget centres, below is a breakdown of how each project is reflected against original budget estimate for the tendered rates of the recommended tenderer:

Project	Tendered Rates	Budget Estimate	Variance
Nurses Retreat	\$ 65,532.53	\$ 42,190.00	-\$ 23,342.53
Port Creek	\$ 97,606.80	\$ 82,263.00	-\$ 15,343.80
Port Creek Bridge	\$ 9,958.00	\$ 13,365.00	\$ 3,407.00
Coastal Pathway	\$ 103,844.67	\$ 113,733.33	\$ 9,888.67

The budget estimate for the Coastal Pathway is based on the original estimate figures used to derive the government grant to construct. The Port Creek Bridge guard rail works are based on tendered amounts to construct.

Whilst the Nurses Retreat and Port Creek carpark areas are \$38,686.33 over estimated budget, likely owing to the impacts of the COVID 19 pandemic and a limited window of availability to undertake the works, there are some gain on the Bridge and Pathway components of the project (\$13,295.67).

The budget overrun of \$25,390.66 can be offset by the surplus budget available from the Port Creek Bridge project (\$248,980.50 surplus over project).

RISK IMPLICATIONS

In the conduct of any contract there are risks to Council, including time delays and poor quality of work. The use of experienced contractors coupled with contract documents will minimise any risk to Council. The broad tender assessment, beyond just price, is intended to mitigate risk.

CONSULTATION PROCESS

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

CONCLUSION

The tender submission by Civilscape Contracting for the construction of Old Bass Highway, Footpath and Car Park Seal is considered the best option available to Council, in taking into consideration all aspects of the tender submission. It is recommended that contract #755 be awarded accordingly.

MOVED BY	CR BRAMICH
SECONDED BY	CR HYLAND


That Council award contract #755 – Old Bass Highway Footpath and Carpark Seal to Civilscape Contracting

The MOTION was put and was CARRIED.

IN FAVOUR

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

9.7 FINANCIAL REPORT FOR THE PERIOD ENDED 28 FEBRUARY 2021

To: Council
Reporting Officer: Corporate Accountant
Responsible Manager: Director Organisational Performance
Report Date: 3 March 2021
File Reference: 6
Enclosures: 1. Memo - Request for Tender Exemption 

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

Detailed reviews of Council's forecast position have continued during February, with the Council currently forecast to have a favourable variance to budget of \$136k. 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.

15 Hepples Road – Retaining Wall Replacement

The General Manager has authorised the non-application of a public tender process for replacement of a retaining wall at 15 Hepples Road Boat Harbour due to the emergency nature of the works and the insufficient time to invite tenders to complete the works within a safe timeframe.

A memo is attached to this report providing additional background to the works which need to be completed and the reason for the non-application of normal public tender processes.

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 DUNIAM
SECONDED BY	CR HYLAND

That Council –




- **Notes the Financial Reports for the period ended 28 February 2021.**
- **Notes the non-application of a public tender process under section 72(1)(e) of the *Local Government Act 1993* for replacement of the retaining wall at 15 Hepples Road.**

The MOTION was put and was CARRIED.

IN FAVOUR

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

9.8 SENIOR MANAGEMENT REPORT

To:	Council
Reporting Officer:	Executive Officer
Responsible Manager:	General Manager
Report Date:	22 February 2021
File Reference:	1202
Enclosures:	<ol style="list-style-type: none">1. TasWater - Addendum to Submission regarding Decommissioning of Waratah Reservoir 2. Letter to Minister re Proposed Changes to Landslip B under the Building Act 2016 3. Draft Waste and Recovery Bill - Council Submission 

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 6 February 2021 to 5 March 2021.

Corporate

- Met with David Munns, Client Manager – North West; Sport and Recreation Infrastructure, Communities Tasmania and provided an overview of the Open Space, Sport and Recreation Plan
- Participated in an online information session on the Local Roads and Community Infrastructure Program
- Participated in virtual visit from the State Grants Commission. Provided overview of Council projects and feedback on their latest discussion paper – Non-Resident Impacts - Service Industry Employment Cost Adjustor - 2021 Proposal.
- Met with representatives of Business North West who provided an overview of their current initiatives. This information was provided to Council at a workshop on 9 March.
- Participated in the ongoing development of Council's budget and annual plan
- Participated in several discussions with Circular Head Council General Manager, Scott Riley
- Met with newly appointed Cradle Coast/North West Regional Economic Development Coordinator - Jackie Harvey, and Executive Director - Lara Hendriks from the Department of State Growth to discuss regional economic development coordination in the north west
- Attended the Community Conversations event in Sisters Beach

Community

- Met with a community member who had a list of matters to discuss, primarily focussed on weed management
- Met with a community member regarding a long-standing noise complaint
- Met with representatives from Building Somerset Futures who asked a range of questions regarding proposed projects in the Somerset area
- Attended the official opening of the Industrial Hall at the Wynyard Showgrounds
- Met with a developer regarding potential industrial projects in the area
- Met with representatives of the Inglis Pony Club to discuss their future infrastructure needs

Industry

- Attended an information session on the proposed Waste and Resource Recovery Bill. The Bill introduces a waste levy and the establishment of a Waste and Resource Recovery Board to provide strategic review and planning for waste management practices in Tasmania and administer a waste and resource recovery grants programs using levy funds. Council's submission to the Bill is included in this agenda.

Other

- Had a regular catchup meeting with Ruth Forrest, discussing a range of matters relevant to the area
- Attended Board meeting of the Cradle Coast Authority
- Attended the Business North West breakfast meeting with guest speakers from the Cradle Coast Authority

Waratah Reservoir Decommissioning Submission

As per Cr Fairbrother's request at the February Council Meeting an addendum to the submission was submitted regarding an application for Dam Works to decommission the Waratah Reservoir. A copy of the addendum 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)* for public consultation, closing on Friday 12 March 2021.

Council provided the attached submission to be considered as part of the industry position being prepared by LGAT.

Cr Notice of Motion – Tasmanian Planning Scheme

At the February Council Meeting the following motion (proposed by Cr Fairbrother) was carried:

That Council write to the respective minister(s) 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

A letter was prepared and sent to Minister Elise Archer and is attached for reference.

Road Closures

Targa Tasmania

Council has approved the following road closure for **Targa Tasmania** under the provisions of Section 19(1)(b) of the *Local Government (Highways) Act 198*:

Wednesday 21 April 2021 - 10:30am – 3:00pm

- a) **OLDINA ROAD** – between Timothy Drive and Johnsons Road
- b) **JOHNSONS ROAD** – between Oldina Road and Mount Hicks Road

ADMINISTRATION – USE OF CORPORATE SEAL

17/2/21	Final Plan & Schedule of Easements	SD2029 - 2 Falmouth Street Somerset Subdivision (1 into 2)
19/2/21	Grant Agreement -Amended	Dept. Communities Tas. – Know Your Odds Skate, Scooter and BMX Competition 2020/21 – Location change to Sisters Beach Skate Park
23/2/21	Grant Deed Safer Rural Roads Program	Dept. State Growth – Pages Road works
23/2/21	Grant Deed Safer Rural Roads Program	Dept. State Growth –Dudfields Road works
23/2/21	Grant Deed Safer Rural Roads Program	Dept. State Growth – Preolenna Road works
23/2/21	Grant Deed Safer Rural Roads Program	Dept. State Growth –Moorleah works
23/2/21	Grant Deed Safer Rural Roads Program	Dept. State Growth –Tablecape Road works
23/2/21	Grant Deed Safer Rural Roads Program	Dept. State Growth –Seabrook Road works

MOVED BY	CR DUNIAM
SECONDED BY	CR COURTNEY

That Council:

- 1. Note the monthly Senior Management Report; and**
- 2. Note the addendum to 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 DUNIAM		CR FAIRBROTHER	CR HYLAND

9.9 MINUTES OF OTHER BODIES/COMMITTEES

Nil received.

10.0 MATTERS PROPOSED FOR CONSIDERATION IN CLOSED MEETING

MOVED BY	CR DUNIAM
SECONDED BY	CR HYLAND

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

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

The MOTION was put and was CARRIED.

IN FAVOUR

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

11.0 CLOSURE OF MEETING TO THE PUBLIC

MOVED BY	CR DUNIAM
SECONDED BY	CR COURTNEY

That the Council RESOLVES BY AN ABSOLUTE MAJORITY to go into Closed Meeting to consider the following matters, the time being 7.21PM

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) (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 DUNIAM		CR FAIRBROTHER	CR HYLAND

12.0 RESUMPTION OF OPEN MEETING

At 7.21pm the Open Meeting was resumed.

13.0 PUBLIC RELEASE ANNOUNCEMENT

RECOMMENDATION

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

Min. No.	Subject	Decisions/Documents
NIL		

THERE BEING NO FURTHER BUSINESS THE CHAIRPERSON DECLARED THE MEETING CLOSED AT 7.21pm.

Confirmed,

MAYOR

19 April 2021