



**ORDINARY MEETING  
OF COUNCIL**

**MINUTES  
OPEN MEETING**

**10 December 2018**

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

MINUTES OF AN ORDINARY MEETING OF THE WARATAH-WYNYARD COUNCIL HELD AT THE COUNCIL CHAMBERS 21 SAUNDERS STREET WYNYARD ON MONDAY 10 DECEMBER 2018 COMMENCING AT 6:00 PM

	From	To	Time Occupied
Open Council	6.04PM	6.40PM	36MINS
Planning Authority	6.40PM	7.22PM	42MINS
Open Council	7.22PM	9.02PM	100MINS
Closed Council	9.02PM	9.52PM	50MINS
Open Council	9.52PM	9.52PM	0MINS
TOTAL TIME OCCUPIED			228MINS

**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”.

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<b>1.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED</b>
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Legislative Reference:

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

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

*(c) attendance and apologies.*

### **1.1 ATTENDANCE**

Mayor Robby Walsh  
Deputy Mayor Dr Mary Duniam  
Cr Gary Bramich  
Cr Andrea Courtney  
Cr Celisa Edwards  
Cr Darren Fairbrother  
Cr Allie House  
Cr Kevin Hyland

#### **IN ATTENDANCE**

General Manager, Shane Crawford  
Tracey Bradley, Director Community and Engagement  
Daniel Summers, Director Infrastructure and Development Services  
Claire Smith, Director Organisational Performance  
Ashley Thornton, Manager Development and Regulatory Services  
Jasmin Briggs, Town Planner - Graduate  
Sally Blanc, Executive Officer

### **1.2 APOLOGIES**

Nil

### **1.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Nil

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**2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Legislative Reference:

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

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

*(b) Confirmation of the minutes.*

**2.1 CONFIRMATION OF MINUTES OF PREVIOUS ORDINARY COUNCIL MEETING**

MOVED BY	CR DUNIAM
SECONDED BY	CR HOUSE

**That the Minutes of the Ordinary Meeting of the Waratah-Wynyard Council held at the Council Chambers, 21 Saunders Street, Wynyard on Monday 19 November 2018 a copy of which having previously been circulated to Councillors prior to the meeting, be confirmed as a true record.**

The MOTION was put and was CARRIED unanimously

IN FAVOUR

MAYOR WALSH	CR BRAMICH	CR COURTNEY	CR DUNIAM
CR EDWARDS	CR FAIRBROTHER	CR HOUSE	CR HYLAND

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<b>3.0 DECLARATIONS OF INTEREST</b>
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Legislative Reference:

*Local Government (Meeting Procedures) Regulations 2015, Regulation 8(7)  
(7) The chairperson is to request Councillors to indicate whether they have, or are likely to have, a pecuniary (or conflict of) interest in any item on the agenda.*

**Councillor and Agenda Item Number**

**Staff and Agenda Item Number**

Director of Infrastructure and Development Services – Item 10.1

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## 4.0 COUNCILLORS ANNOUNCEMENTS AND REPORT

### 4.1 ANNOUNCEMENTS BY MAYOR

Nil

### 4.2 MAYOR'S COMMUNICATIONS

MOVED BY	CR BRAMICH
SECONDED BY	CR HYLAND

**That the Council note the Mayor's Diary.**

Date	Purpose
14/11/18	<b>ACTING MAYOR DUNIAM</b> -Launch Annual Christmas Appeal
19/11/18	Council Meeting
20/11/18	Meeting with General Manager
20/11/18	Meeting with Constituent
21/11/18	Wynyard Garden Club Presentations
22/11/18	Mayors Message Video
22/11/18	7BU/7AD Radio Segment
22/11/18	CCA Representatives Meeting
26/11/18	Councillor Workshop
27/11/18	Meeting with Constituent
27/11/18	Meeting with General Manager
29/11/18	TasWater General Meeting and AGM
3/12/18	CCA Futures Plan Meeting
3/12/18	Councillor Workshop

The MOTION was put and was CARRIED unanimously

IN FAVOUR

MAYOR WALSH	CR BRAMICH	CR COURTNEY	CR DUNIAM
CR EDWARDS	CR FAIRBROTHER	CR HOUSE	CR HYLAND



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#### 4.3 REPORTS OF DELEGATES

Nil

#### 4.4 COUNCILLOR STATEMENTS

##### 4.4.1 CR FAIRBROTHER – ARTS

Cr Fairbrother made a statement regarding the Arts in the community. He noted that two of the directors of Ten Days on the Island live in this municipal area. He also noted Scott Rankin from BigHart presented at BCCI breakfast and is also based in this area. Cr Fairbrother stated that these people doing are doing great work in our community and that Council should be taking more advantage of this knowledge base.

#### 4.5 NOTIFICATION OF COUNCIL WORKSHOPS

Legislative Reference:

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

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

*the date and purpose of any council workshop held since the last meeting.*

MOVED BY	CR DUNIAM
SECONDED BY	CR HOUSE

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

26/11/18	Councillor Policies
26/11/18	Community Plan Overview
26/11/18	Current Capital Program Overview
3/12/18	Wynyard Agricultural & Pastoral Society
3/12/18	Economic and Community Development Opportunity
3/12/18	Waste Governance
3/12/18	Wilkinson Street Road Closure
3/12/18	LGAT General Meeting Agenda Items

The MOTION was put and was CARRIED unanimously

IN FAVOUR

MAYOR WALSH	CR BRAMICH	CR COURTNEY	CR DUNIAM
CR EDWARDS	CR FAIRBROTHER	CR HOUSE	CR HYLAND

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## 5.0 PUBLIC QUESTIONS AND STATEMENTS

Legislative Reference:

*Local Government (Meeting Procedures) Regulations 2015 Regulation 31*

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

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

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

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

- (1) *Members of the public may, during the public statements or the Planning Authority segments of the order of business, with the consent of the Presiding Member make a public statement on any matter that appears on the agenda for that meeting provided that:*

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- (a) *The member of the public submits to the General Manager prior to the commencement of the meeting the public statement in a form acceptable to the General Manager and which includes the name and residential or contact address of the member of the public;*
  - (b) *The public statement precedes discussion of any matter which requires a decision to be made at the meeting but otherwise at item (11) of order of business at clause 4.2;*
  - (c) *The public statement is limited to a maximum period of 3 minutes, unless otherwise determined by the Presiding Member; and*
  - (d) *No discussion or questions relating to the statement are permitted, unless otherwise determined by the Presiding Member.*
- (2) *Fifteen minutes is to be allocated for the public statement time.*
  - (3) *Once all statements have been made, nothing prevents the unused part of the statement time period from being used for other matters.*
  - (4) *If the 15-minute period set aside for public statements is reached, Council, by resolution, may resolve to extend the period for an additional 15 minutes to allow statements to be made.*
  - (5) *No more than two 15-minute extensions to the time for public statements are to be permitted.*
  - (6) *Procedures for public statements are to be in accordance with policy adopted from time to time by the Council and, where the policy is silent on a matter, the procedures for that matter are to be determined by the Presiding Member.*

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

### **5.1.1 K. Ewington –Disability Bay at Post Office**

Mr Ewington of Flowerdale noted that he had reported a safety concern regarding the disability parking in September regarding the number of trips and falls occurring when stepping from bay to the road. He asked when action would be taken to rectify the situation.

The General Manager advises that works were completed on 3 December 2018 to improve the area noted, with tactile surface indicators installed and colour differentiation undertaken to improve visibility.

## **5.2 PUBLIC QUESTIONS RECEIVED IN WRITING**

Nil

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### 5.3 PUBLIC QUESTIONS WITHOUT NOTICE

Legislative Reference:

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

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

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

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

(5) *The Chairperson may –*

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

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

#### 5.3.1 MR K EWINGTON – FIRE CONTROL

*Mr Ken Ewington of Flowerdale asked why Council allows a high-risk fire situation to be created within the rural community by not slashing road verges before summer. He asked why council didn't take a professional approach and take direction from the fire authority and maintain road verges correctly.*

*The Director Infrastructure and Development Services advised that service standard dictates that roads are slashed once, there are some exceptions such as Mt Hicks Road that are also slashed just prior to Christmas. He also advised he would seek further advice on the matter.*

#### 5.3.2 MR K EWINGTON – CHRISTMAS DECORATIONS

*Mr Ken Ewington of Flowerdale noted the state of Christmas decorations in Wynyard and the lack of street Christmas decorations in Somerset and asked why council does not promote Christmas within the community by promoting the Christmas spirit in the main streets to encourage people to come and shop in the area.*

*The General Manager noted the question and advised that following the Somerset CBD upgrade consideration was not given to the installation and infrastructure required for Christmas decorations and therefore Council were unable to install them. He advised that the appropriate measures would be put in place for next year.*

#### 5.3.3 MR POLSON – SOMERSET FORESHORE

*Mr Polson noted many instances of contacting council regarding drainage and erosion issues at Somerset and asked when Council would take action to respond to his enquiries and address the problems.*

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*The General Manager advised that he would investigate and review the letters Mr Polson had sent and provide a copy of the Coastal Erosion report from 2012 and contact Mr Polson to discuss in more detail.*

**5.3.4 MR P MANSELL – SPEND FROM OPEN SPACE RESERVE FOR REPAIRS TO SISTERS BEACH WALKWAYS**

*Mr Mansell of Sisters Beach asked how appropriate it was for council to spend from the Public Open Space Reserve to repair the Sisters Beach Walkways.*

*The General Manager advised that council can determine how to allocate funding as they see fit based on current priorities and committed renewal programs. The new Councillors would not yet be aware of the Open Space Reserve nor its intent and that the information would be provided for information.*

**5.3.5 MR P MANSELL – PRIVATE SECTOR PRICING FOR REPAIRS**

*Mr Mansell of Sisters Beach asked how appropriate it was for Council to seek private sector pricing for repairs at the more expensive nodes of 3 & 7 walkways at Sisters Beach.*

*The General Manager advised that council would follow its procurement policy which involved going to multiple suppliers to get pricing for the repairs.*

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#### **5.4 PUBLIC STATEMENTS RECEIVED IN WRITING**

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

Nil

#### **5.5 PUBLIC STATEMENTS WITHOUT NOTICE**

Cr Bramich left the chambers at 6.17pm

##### **5.5.1 KEN EWINGTON - Weed Management**

*Mr Ewington of Flowerdale made a statement regarding state of weeds in the municipal area. He noted long standing issues with Pampas grass at Bramich's Concrete and Council not actioning outbreaks of slender thistle before they are in flower. He stated that he believes council is letting the community down by not having a weeds management plan in place.*

Cr Bramich returned to the chambers at 6.19pm

##### **5.5.2 MR K LOUGHRAN – BEACH ACCESS SISTERS BEACH**

*Mr Loughran of Sisters Beach made a statement regarding beach access at Sisters Beach and supported the general intent of the recommendations on the agenda in relation to repairs to Sisters Beach access ways. He urged that councillors add the word temporary to ensure that works are completed, and barricades removed as soon as possible.*

*He stated that he looks forward to seeing designs for access points and thanked council for creek works.*

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<b>6.0 PETITIONS / DEPUTATIONS / PRESENTATIONS</b>
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**6.1 PETITIONS**

Nil

**6.2 DEPUTATIONS AND PRESENTATIONS**

Nil

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## **7.0 PLANNING AUTHORITY ITEMS**

Legislative Reference:

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

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

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

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

### **7.1 PUBLIC QUESTIONS WITHOUT NOTICE –RELATING TO PLANNING MATTERS**

Legislative Reference:

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

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

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

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

*(5) The Chairperson may –*

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

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

#### **7.1.1 MR COLIN GUEST – 7 LYONS STREET SOMERSET**

*Mr Guest of Wynyard asked could an existing building be a development if it isn't being developed.*

*The Manager Development and Regulatory Services advised that section 7.2.5 of the Planning Scheme states that the standard deals with either the proposed use or development of the property.*



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### **7.1.2 MR COLIN GUEST – 7 LYONS STREET SOMERSET**

*Mr Guest asked how this change of use could negatively impact the area and the surrounding neighbours.*

*The Manager Development and Regulatory Services advised that these grounds were not put forward as part of grounds for consideration and therefore had not been assessed.*

## **7.2 PUBLIC STATEMENTS – RELATING TO PLANNING MATTERS**

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

### **7.2.1 MR COLIN GUEST – 7 LYONS STREET SOMERSET**

*Mr Guest of Wynyard made a statement regarding the change of use for 7 Lyons Street, Somerset. He noted that during the course of the application process he had spoken to four different planners. He also stated that the current use of the property as a café has proven to be unsuccessful in a residential area.*

*Mr Guest noted that the change of use is not changing footprint or density of the property, with some minor internal walls only. He also noted his concern that the density issue was only raised at the last minute.*

### **7.2.2 MR CRAIG BROOKS – 57 IRBY BOULEVARD**

*Mr Brooks made a statement regarding his property at 57 Irby Boulevard Sisters Beach. He stated that the home has been there for over ten years and that the property at 59 Irby Boulevard was approved in the last few years with the same set back as being applied for in this application.*

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### 7.3 MULTIPLE DWELLINGS (ONE ADDITIONAL UNIT) LOCATED AT 7 LYONS STREET, SOMERSET – DA 103/2018

To: Council  
Reporting Officer: Town Planner Graduate  
Responsible Manager: General Manager  
Report Date: 28 November 2018  
File Reference: 7044890  
Supporting Documents: **REFER ATTACHMENT A**  
Development Application Form x 4 pages  
Location Map x 1 page  
Title Documents x 2 pages  
Proposal Plans x 2 pages  
Information Requests x 4 pages  
Responses to Information Requests x 4 pages  
TasWater conditions x 2 pages  
Extension of Time

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#### **PURPOSE**

The purpose of this report is for Council to consider the merits of Development Application DA 103/2018 against the requirements of Council's Planning Scheme.

#### **BACKGROUND**

The subject site is located at 7 Lyons Street, Somerset and comprises 733m<sup>2</sup>. It contains an existing two-storey building and carpark. The first floor is used for residential purposes and the ground floor has historically been occupied by commercial premises, most recently a food service. The lot is accessed by an existing crossover formed from Lyons Street to the east.

The site is located within the General Residential zone. The adjoining title to the south and the titles to the east across Lyons Street and to the north across Beaufort Street contain single dwellings and associated outbuilding development. The adjoining title to the west contains multiple dwelling development (2 units). To the south-west is Somerset Primary School.

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

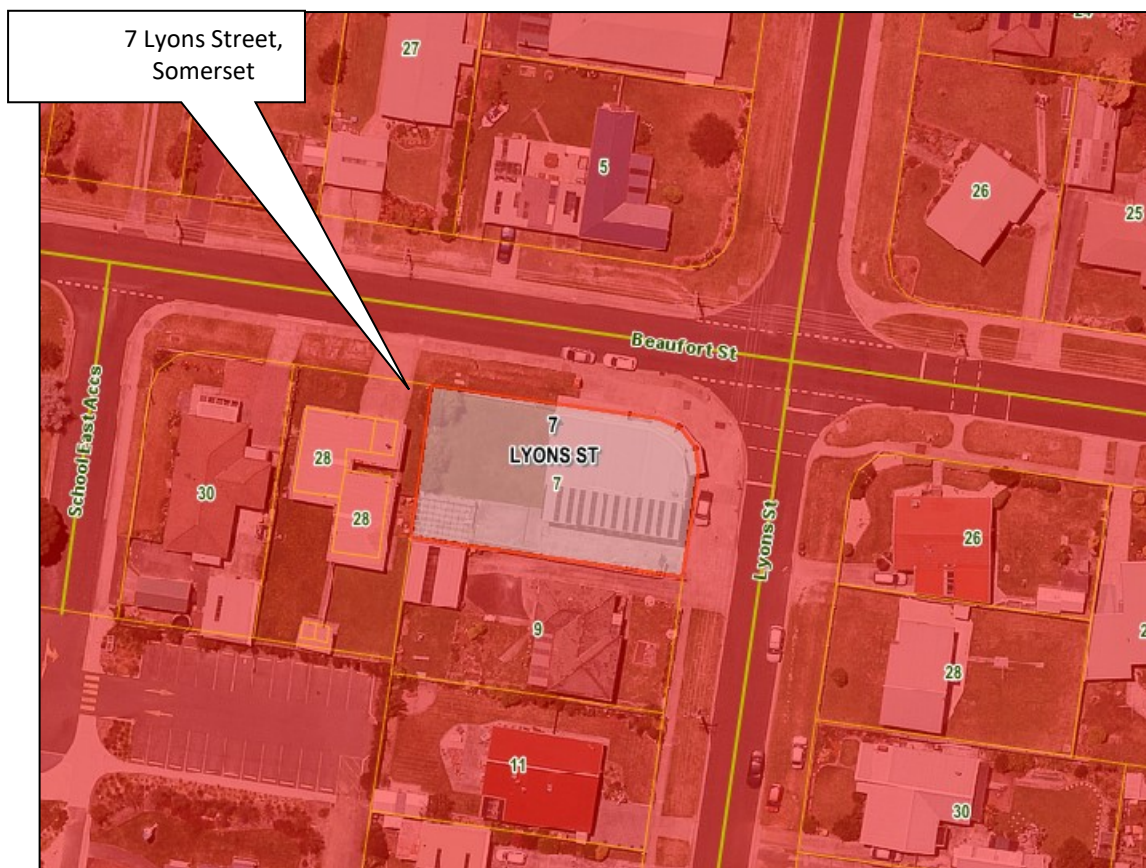


Figure 1: Subject Site with zoning

## DETAILS

The applicant is seeking approval for a multiple dwelling (3 unit) development on the property described as 7 Lyons Street, Somerset (CT 54731/4). The property contains an existing two-storey building, two units are located on the first floor and the ground floor is a disused shop. It is proposed to convert the ground floor to an additional unit for a total of three residential units.

Proposed Unit 3 comprises a combined kitchen/dining/living area, main bedroom, bathroom, laundry, garage and an additional two bedrooms. No changes are proposed for the existing units on the first floor.

This report assesses the proposal against the *Waratah-Wynyard Interim Planning Scheme 2013* (the Planning Scheme) and takes into account any representations received during the public exhibition period. The subject property is zoned General Residential under the Planning Scheme. The proposal is defined as a Residential Use Class. This is a Permitted use within the zone, should the application meet all the relevant Acceptable Solutions. The applicant is applying for discretion under the following clauses: -

- 
- Residential density for multiple dwellings (10.4.1 P1);
  - Setbacks and building envelope for all dwellings (10.4.2 P1, P3);
  - Site coverage and private open space for all dwellings (10.4.3 P2); and
  - Privacy for all dwellings (10.4.6 P3).

## **CONSULTATION PROCESS**

The consultation process was the public exhibition period set out in the *Land Use Planning and Approvals Act 1993* (LUPAA) and involved notification of adjoining land owners, public notices on-site and advertising in a daily newspaper. The application was placed on public exhibition for a period of 14 days as required under LUPAA. The period for representations closed on 20 November 2018. No representations were received.

## **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. Off-street car parking and hardstand areas are to be surfaced in an all-weather material such as concrete, asphalt or bitumen spray seal. All stormwater runoff from the car parking and hardstand areas is to be collected onsite and directed to a stormwater system designed to cater for a 1 in 20-year ARI storm and discharged to a legal point of discharge to the reasonable requirements of the Director Infrastructure & Development Services.
4. Off-street parking spaces and associated driveways and turning areas are to be designed in accordance with AS 2980.1 and be approved by the Director of Infrastructure & Development Services.
5. Vehicular access to and egress from the site is to occur only in a forward motion.
6. Road access is to be in accordance with pre-lodgement advice.

### **Note:**

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

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## Environmental Health

The following environmental health notes were recommended.

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

## EXTERNAL REFERRALS

The application was referred to TasWater on 2 November 2018. The response was received on 16 November 2018 and requests conditions to be attached to any permit granted.

## PLANNING ASSESSMENT

The subject site is zoned General Residential under the *Waratah-Wynyard Interim Planning Scheme 2013*. The use is a Residential Use which is a 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 relevant discretionary provisions for the General Residential Zone and relevant Codes is provided below.

### 10.0 General Residential Zone

#### Residential density for multiple dwellings (10.4.1 P1)

<p><b>A1</b> Multiple dwellings must have a site area per dwelling of not less than:</p> <p>(a) 325m<sup>2</sup> ;or (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.</p>	<p><b>P1</b> Multiple dwellings must only have a site area per dwelling that is less than 325 m<sup>2</sup>, or that specified for the applicable density area in Table 10.4.1, if the development will not exceed the capacity of infrastructure services and:</p> <p>(a) is compatible with the density of the surrounding area; or (b) provides for a significant social or community housing benefit and is in accordance with at least one of the following:</p> <p>(i) the site is wholly or partially within 400 m walking distance of a public transport stop;</p>
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(ii) the site is wholly or partially within 400 m walking distance of a business, commercial, urban mixed use, village or inner residential zone.

**Planning Comments: Does not comply**

The proposal is for a multiple dwelling (one additional unit) development. The subject site contains two units on the first floor of an existing building. It is proposed to convert the ground floor of this building to an additional unit for a total of three residential units.

The subject site comprises an area of 733m<sup>2</sup>. The total site area per dwelling is 244.3m<sup>2</sup> and therefore relies on Performance Criteria P1 for this Clause.

Council has discretion to consider unit development with a site area less than 325m<sup>2</sup> per dwelling, provided the proposal will not exceed the capacity of infrastructure services, and satisfies P1(a) or P1(b) for this Clause. Table 10.4.1 does not apply.

The subject site is located within a serviced area and has existing connections to Council's stormwater network and TasNetworks electricity service. The application was referred to TasWater who confirmed that the proposed development can be serviced by TasWater's reticulated water and sewerage infrastructure. The existing road access is to be upgraded as per the requirements of Council's Technical Officer. The proposal will not exceed the capacity of infrastructure services.

P1(a) requires unit development with a dwelling density of less than 325m<sup>2</sup> be compatible with the density of the surrounding area.

It has been held by the Resource Management and Appeals Tribunal (RMPAT) that the relevant test of whether an application satisfies the requirements of P1(a) relies on a numbers-based evaluation of density calculations. The density calculations are drawn from properties within 100m of the relevant subject land. RMPAT affirmed this approach in a decision earlier this year.

Table 1 demonstrates the site area per dwelling for properties within 100m of the subject site:

CT Ref.	Address	Site Area
54731/1	1 Lyons Street, Somerset	782m <sup>2</sup>
54731/2	3 Lyons Street, Somerset	782m <sup>2</sup>
54731/3	5 Lyons Street, Somerset	890m <sup>2</sup>
54731/5	9 Lyons Street, Somerset	668m <sup>2</sup>
54731/6	11 Lyons Street, Somerset	668m <sup>2</sup>
54731/7	13 Lyons Street, Somerset	668m <sup>2</sup>
54731/8	15 Lyons Street, Somerset	668m <sup>2</sup>
54731/9	17 Lyons Street, Somerset	668m <sup>2</sup>
54731/10	19 Lyons Street, Somerset	668m <sup>2</sup>
54734/38	20 Lyons Street, Somerset	701m <sup>2</sup>
54734/37	22 Lyons Street, Somerset	1052m <sup>2</sup>
54734/36	24 Lyons Street, Somerset	754 m <sup>2</sup>
54734/35	26 Lyons Street, Somerset	696 m <sup>2</sup>
54796/33	28 Lyons Street, Somerset	620 m <sup>2</sup>
54796/32	30 Lyons Street, Somerset	731 m <sup>2</sup>
54796/31	32 Lyons Street, Somerset	630m <sup>2</sup>
54796/30	34 Lyons Street, Somerset	630m <sup>2</sup>
54796/29	36 Lyons Street, Somerset	746m <sup>2</sup>

54796/28	38 Lyons Street, Somerset	746m <sup>2</sup>
54734/32	21 Beaufort Street, Somerset	921m <sup>2</sup>
54796/36	22 Beaufort Street, Somerset	551m <sup>2</sup>
54734/33	23 Beaufort Street, Somerset	938m <sup>2</sup>
54796/35	24 Beaufort Street, Somerset	551m <sup>2</sup>
54734/34	25 Beaufort Street, Somerset	653m <sup>2</sup>
54796/34	26 Beaufort Street, Somerset	615m <sup>2</sup>
54731/19	27 Beaufort Street, Somerset	1234m <sup>2</sup>
57591/1	1/28 Beaufort Street, Somerset	340m <sup>2</sup>
57591/2	2/28 Beaufort Street, Somerset	340m <sup>2</sup>
54731/20	29 Beaufort Street, Somerset	1234m <sup>2</sup>
75139/34	30 Beaufort Street, Somerset	658m <sup>2</sup>
54731/21	31 Beaufort Street, Somerset	1234m <sup>2</sup>
75139/33	32 Beaufort Street, Somerset	670m <sup>2</sup>
54731/22	33 Beaufort Street, Somerset	1237m <sup>2</sup>
75139/32	34 Beaufort Street, Somerset	668m <sup>2</sup>
54731/23	35 Beaufort Street, Somerset	1237m <sup>2</sup>
75139/31	36 Beaufort Street, Somerset	668m <sup>2</sup>
83557/24	37 Beaufort Street, Somerset	1330m <sup>2</sup>
54796/37	1 Lewis Street, Somerset	650m <sup>2</sup>
54796/38	1A Lewis Street, Somerset	731m <sup>2</sup>
54796/39	3 Lewis Street, Somerset	630m <sup>2</sup>
54796/40	5 Lewis Street, Somerset	630m <sup>2</sup>
54796/41	7 Lewis Street, Somerset	746m <sup>2</sup>
	<b>Mean lot size</b>	<b>767.5m<sup>2</sup></b>
	<b>Median lot size</b>	<b>669m<sup>2</sup></b>

As outlined above, P1(a) requires that the site area per dwelling for the proposal is compatible with the density of the surrounding area i.e. the figures shown in Table 1. Compatibility does not require proposed and existing densities to be identical to each other, only that the proposal is consistent, similar, or otherwise in harmony with the density of the surrounding area.

Of the 42 properties in the nominated surrounding area, the mean lot size is 767.5m<sup>2</sup> and the median lot size is 669m<sup>2</sup>. The site area per dwelling for the proposal is 244.3m<sup>2</sup>. There is a significant difference between these figures to the extent that they are neither similar nor consistent with each other.

The existing average density is more than three times greater than the proposed density. The proposal is not compatible with the established pattern of development in the surrounding area and does not satisfy P1(a).

The alternative pathways for considering unit development with a site area less than 325m<sup>2</sup> per dwelling are P1(b)(i) or P1(b)(ii).

The closest business, commercial, urban mixed use, village or inner residential zone to the subject site is the General Business zone to the north-east. The subject site is further than 400m walking distance from the boundary to this zone. The proposal cannot satisfy P1(b)(ii).

The subject site is located within 400m walking distance from bus stops on Beaufort Street and Raglan Street. Council has discretion to consider the proposal under P1(b)(i) provided it can be demonstrated that the proposed development also provides for a significant social or community housing benefit.

Detail submitted with the application states that the proposal has the potential to provide a significant social or community housing benefit as the units are within walking distance of Somerset Primary School and public transportation for families with limited transport.

Whilst it is true that proximity to a primary school and public transport would benefit a family with limited transport, the applicant has not provided any detail which suggests that the proposed development will be targeted towards lower socio-economic or disadvantaged community members likely to have limited access to transport.

Further, P1(b) requires not only that a proposal must provide a social or community housing benefit but that the benefit is also significant. A significant benefit is one which is considerable or substantial and has more than a marginal impact.

Within the context of the Somerset community, provision of one additional unit, and one which does not specifically target a socially important demographic, is not a considerable or substantial contribution.

The proposed development does not confer a significant social or community housing benefit and therefore does not meet the requirements of P1(b)(i).

The proposal does not satisfy Performance Criteria P1(a) or P1(b) for this Clause.

#### **Setbacks and building envelope for all dwellings (10.4.2 P1, P3)**

<p><b>A1</b> Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is: if the frontage is a primary frontage, at least 4.5 m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or if the frontage is not a primary frontage, at least 3 m, or, if the setback from the frontage is less than 3 m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>	<p><b>P1</b> A dwelling must: have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints; and if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.</p>
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**Planning Comments: Complies**  
The proposal is for a two-storey multiple dwelling (3 unit) development. There are two existing units (Units 1 & 2) on the first floor. It is proposed to convert the ground floor to an additional unit (Unit 3). The existing building abuts the boundaries to Beaufort Street and Lyons Street.



Proposed Unit 3 does not comply with permitted setbacks from a primary or secondary frontage and therefore relies on Performance Criteria P1 for this Clause.

Council has discretion to consider development which does not comply with the permitted frontage setbacks provided the proposal satisfies P1(a) for this Clause. P1(b) does not apply for this proposal as the subject site does not abut a road identified in Table 10.4.2.

P1(a) requires development to have a setback which is compatible with existing dwellings in the street, taking into account any topographical constraints.

The setback of dwellings on other properties in the street varies from approximately 4m to 11m for primary frontages and approximately 2.5m to 5.5m for secondary frontages.

Detrimental impact on residential amenity for existing Units 1 & 2 is mitigated by their position above street level. By contrast, the proposed residential use directly faces the street. Public walkways run parallel to the main entrance and windows to the combined kitchen/dining/living area of Unit 3. The window in Bedroom 2 also faces the footpath.

However, the topography of the site includes its built form. The proposed development is located within an existing building which already contains two units and has existing connections to infrastructure services. Relocation of the building within the permitted setbacks is not feasible considering the constraints on the property.

In this manner, the proposal satisfies Performance Criteria P1(a) for this Clause.

**A3**

A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must:

be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:

a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and

projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5m above natural ground level; and

only have a setback within 1.5 m of a side boundary if the dwelling:

does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or

does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).

**P3**

The siting and scale of a dwelling must:

not cause unreasonable loss of amenity by:

reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or

overshadowing the private open space of a dwelling on an adjoining lot; or

overshadowing of an adjoining vacant lot; or

visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and

provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.

**Planning Comments: Complies**

The proposal is for a two-storey multiple dwelling (3 unit) development. There are two existing units (Units 1 & 2) on the first floor. It is proposed to convert the ground floor to an additional unit (Unit 3). The existing building abuts the boundaries to Beaufort Street and Lyons Street.

Proposed Unit 3 does not comply with the permitted setbacks for a corner lot and therefore relies on Performance Criteria P3 for this Clause.

Council has discretion to consider development which extends beyond the building envelope provided the proposal satisfies P3(a) and P3(b) for this Clause.

Regarding P3(a), the proposed unit is separated from dwellings on adjoining lots to the west and south by minimum distances of 19m and 8m respectively. Solar access to habitable rooms in these dwellings is already affected by existing Units 1 & 2. Some shade is also cast onto the backyard of these lots by the existing building.

Unit 3 is located entirely within the existing building on the lot and directly below Units 1 & 2. There will be no change in the amount of shade cast onto adjoining properties by dwellings on the subject site.

The subject site does not adjoin any vacant lot. It is bordered by Beaufort Street to the north and Lyons Street to the east. Unit 3 will not affect solar access for properties in either of these directions.

Unit 3 is located entirely within the existing building on the subject site and the application does not include any alterations to the façade of this building. The scale, bulk and proportions of the proposed development when viewed from adjoining lots have already been established.

The proposal will have minimal, if any, impact on visual amenity for adjoining properties.

Separation between dwellings on adjoining lots in the area varies from approximately 3m to 45m, with an average range between 5m and 18m. Unit 3 is separated from dwellings on adjoining lots to the west and south by distances of approximately 19m and 8m respectively.

In this manner the proposal satisfies Performance Criteria P3(a) and P3(b) for this Clause.

#### **Site coverage and private open space for all dwellings 10.4.3 (P2)**

<p><b>A2</b> A dwelling must have an area of private open space that:</p> <ul style="list-style-type: none"> <li>(a) is in one location and is at least: <ul style="list-style-type: none"> <li>(i) 24 m<sup>2</sup>; or</li> <li>(ii) 12 m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer) ; and</li> </ul> </li> <li>(b) has a minimum horizontal dimension of: <ul style="list-style-type: none"> <li>(i) 4 m; or</li> <li>(ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer) ; and</li> </ul> </li> <li>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom) ; and</li> <li>(d) is not located to the south, southeast or southwest of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21<sup>st</sup> June; and</li> </ul>	<p><b>P2</b> A dwelling must have private open space that:</p> <ul style="list-style-type: none"> <li>(a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play and that is: <ul style="list-style-type: none"> <li>(i) conveniently located in relation to a living area of the dwelling; and</li> <li>(ii) orientated to take advantage of sunlight.</li> </ul> </li> </ul>
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<p>(e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p> <p>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p>	
<p><b>Planning Comments: Does not comply</b></p> <p>The proposal is for a two-storey multiple dwelling (3 unit) development. There are two existing units (Units 1 &amp; 2) on the first floor. It is proposed to convert the ground floor to an additional unit (Unit 3).</p> <p>A 35m<sup>2</sup> outdoor patio adjoins the southern elevation of Units 1 &amp; 2. No changes are proposed for the existing private open space areas for these units.</p> <p>The site plan and application demonstrate that the nominated private open space area for proposed Unit 3 is located in the south-western corner of the subject site. The floor plan submitted with the application demonstrates that this area is not directly accessible or adjacent to the combined kitchen/dining/living area. The proposal does not comply with A2(c) and therefore relies on Performance Criteria P2 for this Clause.</p> <p>According to P2, a dwelling must have an area of private open space capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play. The area must be conveniently located in relation to a living area of the dwelling and orientated to take advantage of sunlight.</p> <p>Council has discretion to consider the proposed private open space arrangements for Unit 3 provided the proposal satisfies the requirements of P2 as outlined above. This requires compliance with both P2(a)(i) and P2(a)(ii).</p> <p>The area identified as private open space for Unit 3 is located in the south-western corner of the site. It is bordered by the communal waste storage area to the north and adjoins two of the nominated parking spaces to the east.</p> <p>There is no direct access to this area from the combined kitchen/dining/living area of Unit 3; such access would require walking around the building and up the internal driveway via the public footpath on Lyons Street.</p> <p>Alternative means of access to this area are via the garage or the door adjoining the staircase for Units 1 &amp; 2. Due to the location of existing and proposed parking areas, both of these options also require crossing the internal driveway used by all three units.</p> <p>The nominated private open space area is not conveniently located in relation to the living area of Unit 3 and, due to its proximity to the driveway, parking spaces and waste storage, is not suitable for outdoor relaxation, dining, entertaining and children’s play.</p> <p>Regarding alternative spaces on the lot, the site plan submitted with the application indicates that the remaining open space on the site will either be required for vehicle access and parking or is communal space for all three units. No alternative areas are proposed.</p> <p>The proposal does not comply with P2(a)(i) and therefore does not satisfy the necessary requirements of Performance Criteria P2 for this Clause as P2 requires compliance with both P2(a)(i) and P2(a)(ii).</p>	

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**Privacy for all dwellings 10.4.6 (P3)**

<p><b>A3</b> A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:</p> <p>(a) 2.5 m; or (b) 1 m if:</p> <p>(i) it is separated by a screen of at least 1.7 m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7 m above the shared driveway or parking space or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level.</p>	<p><b>P3</b> A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise detrimental impacts of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.</p>
<p><b>Planning Comments: Complies</b></p> <p>The windows to the master bedroom of proposed Unit 3 (windows W6 &amp; W8) face the shared internal driveway. The site plan submitted with the application shows a car parking space adjacent to these windows.</p> <p>Further detail submitted with the application states that this car parking space will be relocated to the main parking area adjacent to the western title boundary to allow for a wider internal driveway. The proposal does not include any detail regarding screening of either window W6 or W8 and therefore relies on Performance Criteria P3 for this Clause.</p> <p>According to P3, a shared driveway must be screened, or otherwise located or designed, to minimise detrimental impacts of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.</p> <p>To satisfy these requirements, Council may include a condition on any permit issued requiring windows W6 and W8 to be screened, or otherwise treated, in order to minimise detrimental impacts of noise or light intrusion from vehicles using the shared driveway. Details of the proposed screening or treatments should be submitted to the Manager Development &amp; Regulatory Services for their approval prior to the application for a Certificate of Likely Compliance (Building) being lodged with Council.</p> <p>In this manner, the proposal can be conditioned to satisfy Performance Criteria P3 for this Clause.</p>	

**Part E Codes****Bushfire-Prone Areas Code**

E1 Not applicable to this application.

**Airport Impact Management Code**

E2 Not applicable to this application.

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**Clearing and Conversion of Vegetation Code**

E3 Not applicable to this application.

**Change in Ground Level Code**

E4 Not applicable to this application.

**Local Heritage Code**

E5 Not applicable to this application.

**Hazard Management**

E6 Not applicable to this application.

**Signs Code**

E7 Not applicable to this application.

**Telecommunications Code**

E8 Not applicable to this application.

**Traffic Generating Use and Parking Code**

**E9** The proposal can be conditioned to comply with the Acceptable Solution for all applicable Clauses of this Code.

Table E9.1 requires two parking spaces per dwelling and one additional space for every four dwellings (rounded up to the nearest whole number) for multiple dwelling development in the General Residential zone. A total of seven (7) car parking spaces are required for the proposed development.

The site plan submitted with the application shows seven car parking spaces. Council's Technical Officer for Engineering & Development Services requires these car parking spaces to be reconfigured and the internal driveway to be extended in order to comply with Australian Standards.

Should the application be approved and not be able to comply with the recommended conditions from the Engineering Services Department, as listed above under Internal Referrals, a new planning permit would be required to be submitted to Council.

**Water and Waterways Code**

E10 Not applicable to this application.

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## **STATUTORY IMPLICATIONS**

### *Land Use Planning and Approvals Act 1993*

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

In accordance with section 57 of this Act and Council's Planning Scheme, this proposal is an application for a discretionary permit. Council may approve or refuse discretionary permit applications after considering both Council's Planning Scheme and any public representations received. It is noted that no 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 (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.

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## COMMENT

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

It is considered the proposal does not comply with the following clauses; 10.4.1 (Residential density for multiple dwellings) and 10.4.3 (Site coverage and private open space for all dwellings). The proposal does not provide a significant social or community housing benefit and is not considered to be compatible with the density of the surrounding area. Furthermore, the proposal does not provide a suitable private open space area for proposed Unit 3.

The application does not comply with the General Residential Zone provisions of the Waratah-Wynyard Interim Planning Scheme 2013. It is therefore recommended that Council refuse a planning permit for the proposed development.

MOVED BY	CR HYLAND
SECONDED BY	CR HOUSE

**That Council refuse an application for multiple dwellings (one additional unit) at 7 Lyons Street, Somerset (Lot 4 on SP 54731), on the following grounds;**

- (1) The application does not demonstrate compliance with Clause 10.4.1 P1 of the *Waratah-Wynyard Interim Planning Scheme 2013*. The proposal is not compatible with the density of the surrounding area and does not provide for a significant social or community housing benefit.**
- (2) The application does not demonstrate compliance with Clause 10.4.3 P2 of the *Waratah-Wynyard Interim Planning Scheme 2013*. Unit 3 does not have an area of private open space capable of serving as an extension of the unit for outdoor relaxation, dining, entertaining and children's play and which is conveniently located in relation to a living area of Unit 3.**

The MOTION was put and was LOST

IN FAVOUR

		CR HOUSE	CR HYLAND

AGAINST

MAYOR WALSH	CR BRAMICH	CR COURTNEY	CR DUNIAM
CR EDWARDS	CR FAIRBROTHER		

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ALTERNE MOTION

MOVED BY	CR FAIRBROTHER
SECONDED BY	CR DUNIAM

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 an application for change of use to multiple dwellings (one additional unit) at 7 Lyons Street Somerset and that Council as a Planning Authority is satisfied that the proposal is consistent with the density of the surrounding area and provides for a community housing benefit and is subject to the following conditions: -

**PART A CONDITIONS:**

- (1) The development is to be generally in accordance with the application as submitted and endorsed documents as listed:
  - a) Site plan as prepared by the applicant.
  - b) Floor plan as prepared by the applicant.
- (2) Windows W6 and W8, as shown on the floor plan prepared by the applicant, are to be screened, or otherwise treated, in order to minimise detrimental impacts of noise or light intrusion from vehicles using the shared driveway.  
Details of the proposed screening or treatments should be submitted to the General Manager for their approval prior to the application for a Certificate of Likely Compliance (Building) being lodged with Council.
- (3) A dedicated private open space area is to be provided for Unit 3 which is conveniently located in relation to a living area of that unit. Access to this area must not require passing through any areas set aside for vehicle parking or for the shared internal driveway.  
A revised site plan demonstrating this area is to be submitted to the General Manager for their approval prior to the application for a Certificate of Likely Compliance (Building) being lodged with Council.
- (4) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
- (5) Loading and un-loading of vehicles is to be confined to within the boundaries of the property.
- (6) Off-street car parking and hardstand areas are to be surfaced in an all-weather material such as concrete, asphalt or bitumen spray seal. All stormwater runoff from the car parking and hardstand areas is to be collected onsite and directed to a stormwater system designed to cater for a 1 in 20-year ARI storm and discharged to a legal point of discharge to the reasonable requirements of the Director Infrastructure & Development Services.



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- (7) The applicant must supply a car parking layout site plan that demonstrates vehicle parking, circulation and manoeuvring is in accordance with AS/NZS 2890.1. This plan is to be approved by the Director of Infrastructure & Development Services and is to become part of the endorsed plans.
  - (8) Vehicular access to and egress from the site is to occur only in a forward motion.
  - (9) 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.
  - (10) Control measures are to be installed for the duration of the construction phase so as to limit the loss of soils and other debris from the site.

**PART B CONDITIONS:**

- (1) The person responsible for the activity must comply with the conditions contained in Schedule 2 of Permit Part B which the Regulated Entity (trading as TasWater) has required the planning authority to include in the permit, pursuant to section 56Q of the *Water and Sewerage Industry Act 2008*, reference TWDA 2018/01798-WWC (attached).

**Notes: -**

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

- This project must be substantially commenced within two years of the issue of this permit.
- An “Activity 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 103/2018. Any variation requires an application for further planning approval of Council.
- Road access is to be in accordance with pre-lodgement advice.
- 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

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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 BRAMICH	CR COURTNEY	CR DUNIAM
CR EDWARDS	CR FAIRBROTHER	CR HOUSE	

AGAINST

			CR HYLAND

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**7.4 DWELLING EXTENSION LOCATED AT 57 IRBY BOULEVARD, SISTERS BEACH–DA 109/2018**

To: Council  
Reporting Officer: Town Planner  
Responsible Manager: General Manager  
Report Date: 28 November 2018  
File Reference: 7088869  
Supporting Documents: **REFER ATTACHMENT B**  
Development Application Form x 4 pages  
Location Map x 1 page  
Title Documents x 4 pages  
Proposal Plans x 3 pages  
Planning report x 14pages  
Representation 1 –P Boyle  
Extension of time x 1 page

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**PURPOSE**

The purpose of this report is for Council to consider the merits of Development Application DA 116/2018 against the requirements of Council’s Planning Scheme.

**BACKGROUND**

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



**Figure 1- Subject Site**

The subject property is located at 57 Irby Boulevard, Sisters Beach, and has an area of 572m<sup>2</sup>. The lot is accessed by Irby Boulevard to the south-west and has an existing crossover. The property is currently improved with an existing dwelling.

The site is zoned Low Density Residential, with adjoining land to south-east and west also zoned Low Density Residential, whilst land to the north is zoned Environmental Management.

## **DETAILS**

The applicant is seeking approval for a dwelling extension under the *Waratah-Wynyard Interim Planning Scheme 2013*. The proposal includes an extension to the north of the existing dwelling by providing a larger living room, dining area and deck to upper level with a bedroom and bathroom on the lower level.

This report assesses the proposal against the *Waratah-Wynyard Interim Planning Scheme 2013* (the Planning Scheme) and takes into account the representation 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);
- Dwelling Density 12.4.2 (P1);
- Location and configuration of development 10.4.3 (P2); and
- Visual and acoustic privacy for residential development 12.4.4 (P1).

## CONSULTATION PROCESS

The consultation process was the public exhibition period set out in the *Land Use Planning and Approvals Act 1993 (LUPAA)* and involved notification of adjoining land owners, public notices on-site and advertising in a daily newspaper. The application was placed on public exhibition for a period of 14 days as required under LUPAA. The period for representations closed on 20 November 2018. One (1) representation was 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 representation which is included as an enclosure to this report.

<b>Representor – Mr P Boyle</b>	
<b>Issues Raised</b>	<b>Planning Response:</b>
<p>The representors' issues raised have been summarised as the following:</p> <ol style="list-style-type: none"> <li>1. The application provides inadequate reasons for the relaxation to clause 12.4.1. The site is only adequate and large enough when relying on using the coastal reserve owned by Crown, interfering with Crown Land Reserve. The proposal will constrain the public walkway as it will encroach over the walkway providing access to the beach. The drawings appear to claim this as part of their property and not enough delineation is provided between the private and public areas.</li> <li>2. The proposal is at risk from a natural hazard and does not comply with Clause 12.4.2 (f). It is not consistent with the mapping as identified as Coastal erosion bands on an attached document provided by the</li> </ol>	<ol style="list-style-type: none"> <li>1. The subject site is 572m<sup>2</sup> and therefore must address the performance criteria as the lot is less than the 800m<sup>2</sup> in the Table subject to clause 12.4.1. Currently a dwelling is located on the lot. The proposed site plan indicates the subject deck will be located approximately 3.7m to the side boundary adjoining the public walkway, with associated stairs located approximately 2.4m from the side boundary. The proposal will not encroach over the public walkway. Delineation from a development to a private property is not a consideration of the planning scheme. For a full assessment in relation to this clause please see the planning assessment.</li> <li>2. The proposal must be assessed against the performance criteria at clause 12.4.2 as the subject site again is less than 800m<sup>2</sup> in area. The attached erosion bands referred to in the representation are not endorsed maps</li> </ol>

<p>representor. Erosion has commenced along the dune at many properties including 57, 59 and 61 Irby Boulevard. The building extension will increase the erosion risk to my property.</p> <p>3. I request Council seek written professional advice from Parks and Wildlife Services and Crown Land Service in relation to the impact of this building extension on the adjacent crown reserve and neighbouring property. Please see consultant reports attached as evidence in full representation.</p> <p>4. With reference to Clause 12.4.2 A5 (e), is the natural drainage line clearly identified? Is this a pipe or system of pipes that collects stormwater if so did it have Council approval? If the pipes in place would they not be detrimental to the dune system and exacerbate erosion? The land is not flat like the application states, the upslope is a northerly direction to the foreshore dune. How can the flow run up hill to the beach?</p> <p>5. The application does not comply with Clause 12.4.3 P2 to the rear boundary setback to Crown Reserve and should not be waived. The statements provided for this relaxation are inadequate at d) and e). There is no consideration on the land's location in an area susceptible to foreshore erosion. The setback is out of date and a larger setback than the acceptable solution should be required such as 10m. The reserve to the northern portion of the site has been cleared of all native vegetation to top off the dune without lawful authority and therefore increasing the erosion risk.</p> <p>6. The application does not comply with 12.4.4 P1 Visual and acoustic privacy for residential development. The existing corner window overlooks habitable rooms</p>	<p>as part of Council's planning scheme. A tolerable level of risk is achieved for the dwelling extension. No further clearing or change in ground level has been proposed as part of the application.</p> <p>3. As part of the planning application process, Council do not require written advice from Parks and Wildlife Services or Crown Land Services in relation to a planning application being lodged alongside the Crown Reserve. Crown Land Services were written to as an adjoining landowner. Should the applicant be required to access this land an application would be required through Crown Land Services.</p> <p>4. The existing stormwater arrangements have plumbing permits. As part of the assessment of the dwelling extension application, a condition has been recommended for any approval to connect into Council's reticulated stormwater network located in Irby Boulevard.</p> <p>5. The application seeks discretion due to the rear boundary setback and therefore the application is to be assessed against the performance criteria. A full assessment of this clause is available in the planning assessment. Assessment is limited to the performance criteria. Subclause (d) is in relation to the building height and location from site boundaries <i>"must respond to the effect of the slope and orientation of the site; and (e) provide separation between buildings to attenuate impact."</i></p> <p>The proposal is considered to meet the performance criteria. Further, Council are unable to request a setback greater than a setback required by the acceptable solution.</p> <p>6. The existing corner window is not a consideration of the application. The proposed application is limited to the new dwelling extension. A full assessment of this clause is addressed under the planning assessment. Physical separation from the</p>
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<p>and discussion misrepresents what will happen if the permit is approved and will overlook the habitable rooms of 59 Irby Boulevard. The landing will be approximately 2.7m from the western boundary and likely be a high foot traffic area in summer. The application avoids the overlooking of the rest of the windows onto our habitable areas.</p> <p>7. Cannot meet clause 10.4.3. The proposal will remove 30m<sup>2</sup> of private open space at the rear of the applicant's property. If this is allowed the owner will use Crown reserve as private open space due to being almost up to the back door of the extension. It is obvious the BBQ area will be moved to the cleared Crown Reserve due to the inadequacy of private open space.</p> <p>8. 10.4.6 Privacy for all dwellings will not be met particularly if the deck is to be used as private open space. If approved the builder will have to utilise denuded crown reserve to build the extension. Who gives approval to use Crown Land? When do we protect crown vegetation?</p> <p>9. The Hazard Management Code is applicable, no hazard risk assessment has been submitted to indicate an insufficient increase in risk to warrant any specific hazard reduction measure. The proposal is for a sensitive and vulnerable use. Clause E6.6.2 Development on land exposed to a natural hazard should have been addressed as the land is susceptible to foreshore erosion as indicated on the List 'Coastal Erosion Hazard Bands'.</p> <p>10. Documentation for an assessment against the E10 Water and Waterways Code has not been supplied. The law regarding a</p>	<p>proposed dwelling extension and the living room window of the adjoining property identified as 59 Irby Boulevard is approximately 9.5m. The proposal is considered to comply with the performance criteria.</p> <p>7. Clause 10.4.3 is a clause relating to the General Residential Zone provisions and is not applicable to the Low Density Residential Zone provisions. The application includes a proposed deck, which will be used as private open space and provides sufficient dimension to meet the acceptable solution of the Low Density Residential Zone of the planning scheme.</p> <p>8. Clause 10.4.6 is a clause relating to the General Residential Zone provisions and is not applicable to the Low Density Residential Zone provisions. The applicant is seeking discretion at clause 12.4.4 P2 Visual and acoustic privacy for residential use. For a full assessment please see planning assessment. The applicant is not applying for the development to be accessed via the Crown Land Reserve. Should this change the applicant would need to liaise with Crown Land Services to ascertain a legal access.</p> <p>9. The Coastal Erosion Hazard Bands referred to in the representation are not endorsed maps as part of Council's planning scheme. Therefore, the application did not require a hazard risk assessment to be submitted with the application. A proposed dwelling is not considered a vulnerable use as defined by the planning scheme.</p> <p>10. The Water and Waterways Code is triggered when an application is located within 30m of the mapped mean high tide water mark. The subject proposal did not require assessment against this clause as the mean high-water mark is currently</p>
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<p>30m rule should be changed. This is not sufficient, the tidal line on king tides and winds can be as close as 1m from the dune level and increasing due to climate change, which should be considered. A geotechnical assessment is warranted E3.</p>	<p>mapped as 41m from the proposed development.</p>
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## **INTERNAL REFERRALS**

### **Engineering Services Department**

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

7. In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
8. Loading and unloading of vehicles is to be confined to within the boundaries of the property.
9. Stormwater from the development is to be connected into Council's stormwater drainage network.

Note:

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

### **Environmental Health**

The application was referred to the Environmental Health Officer. The following conditions were recommended:

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

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



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## EXTERNAL REFERRALS

The application was not required to be referred to external agencies for comments.

## PLANNING ASSESSMENT

The subject site is zoned Low Density Residential 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 the *Land Use Planning & Approvals Act 1993* and assessed under the Planning Scheme and relevant State Policies and Acts. Section 57(1) (b) of LUPAA allows Council to relax or waive the provisions of its Planning Scheme under a discretionary status.

An assessment of the proposal against the relevant discretionary provisions for the General Residential Zone Code and relevant Codes is provided below.

### 12.0 Low Density Residential Zone

#### Suitability of a site or lot for use or development 12.4.1

<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 500m<sup>2</sup> 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>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>
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<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><b>Planning Comment: Complies</b></p> <p>The proposed dwelling extension is located on a lot with a site area less than that shown in the Table to this clause for Sisters Beach (800m<sup>2</sup>). Therefore, the application is to be assessed against the performance criteria.</p> <p>The subject lot has a sufficient area available on-site for the erection of the dwelling extension associated with the existing dwelling. No further clearing or earthwork is proposed or required.</p> <p>Access to the site is existing via a constructed crossover from Irby Boulevard.</p> <p>The subject lot has sufficient area for the dwelling extension onsite, without creating further constraint or interference to the existing development on adjacent land to the east, where a constructed dwelling is located. The lot is of sufficient area for the dwelling extension without causing likely constraint to the public access to the beach located to the west or further constraint to the dwelling further west.</p> <p>The lot is connected to services and the dwelling extension is not considered to further constrain the utilities. The dwelling is connected to TasWater sewer system and no changes are proposed. The dwelling extension is recommended to be conditioned to ensure stormwater is connected to Council’s stormwater network.</p> <p>The lot has an area sufficient for the dwelling extension 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 further easements or lawful entitlement for access to other land is proposed as part of the application. The subject dwelling extension location is accessed without the need for relying on adjoining lots. Should the applicant or developer choose to access the lot from adjoining land such as Crown Land to the north, an access license or lease arrangement would need to be applied for through Crown Land Services. A note has been recommended on the permit.</p> <p>The proposal complies with the performance criteria.</p>	

**Dwelling Density 12.4.2 (P1)**

<p>A1 The site area per dwelling must –</p> <p>(a) be not less than 500m<sup>2</sup> if the site has–</p> <p>(i) connection to a reticulated water supply;</p> <p>(ii) connection to a reticulated sewer system; and</p>	<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> <p>(a) a suitable building area;</p> <p>(b) access from a road;</p>
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<p>(iii) connection to a stormwater system; or</p> <p>(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>	<p>(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>
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**Planning Comment: Complies**

The proposal is for a dwelling extension to the existing dwelling. The proposed dwelling extension will continue to have a dwelling density with a site area less than that shown in the Table to this clause for Sisters Beach (800m<sup>2</sup>). Therefore, the application is to be assessed against the performance criteria.

The subject site currently has an existing dwelling on-site with a suitable building area for development. There will continue to be one dwelling on-site.

Access from a road is provided by an existing crossover from Irby Boulevard and will remain in the same location.

Provision of water supply to the subject property will continue to be provided by rainwater tanks that are located on the lower level of the main dwelling.

The existing dwelling is connected to TasWater sewer system and no changes are proposed.

The existing stormwater disposal collects rainwater into tanks and is utilised within the main dwelling for domestic use. The applicant has stated that overflow is directed to the natural drainage lines which drain to the beach north of the dwelling. Should the application be approved a condition has been recommended from Council's engineering department ensuring stormwater from the proposed dwelling is to be connected into Council's stormwater drainage network.

The subject site is not mapped as being located within an area exposed to an unreasonable risk from a natural hazard.

The proposal is considered to comply with the performance criteria.

**Location and configuration of development 12.4.3 (P2)**

<p>A2</p> <p>All buildings must be contained within a building envelope determined by-</p> <p>(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;</p>	<p>P2</p> <p>Building height and location of a building in relation to a frontage and site boundaries must -</p> <p>(a) minimise likelihood for overshadowing of a habitable room or a required minimum area of private open space in any adjacent dwelling;</p>
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<p>(c) projecting a line at an angle of 45° 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 -</p> <p>(i) not less than 1.5m from each side boundary; or</p> <p>(ii) less than 1.5m from a side boundary if wall height is not more than 3.0m; and –</p> <p>a. built against an existing wall of an adjoining building; or</p> <p>b. the wall or walls -</p> <p>i. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land;</p> <p>ii. there is no door or window in the wall of the building; and</p> <p>iii. overshadowing does not result in -</p> <p>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</p> <p>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> <p>(d) in accordance with any building envelope shown on a sealed plan</p>	<p>(b) minimise the apparent scale, bulk, massing and proportion relative to any adjacent building;</p> <p>(c) be consistent with the streetscape;</p> <p>(d) respond to the effect of the slope and orientation of the site; and</p> <p>(e) provide separation between buildings to attenuate impact</p>
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**Planning Comment: Complies**

The proposed dwelling extension is not located within the building envelope at the rear boundary, to the north of the subject lot. The subject lot is in a locality shown in the Table to this clause. Sisters Beach has a 6m setback to a Crown Land Reserve. Therefore, the proposal must address the performance criteria.

Overshadowing from the proposed dwelling extension will be minimised due to the northerly aspect of the proposed extension. The proposal is located toward the north of the existing dwelling and is unlikely to overshadow a habitable room or required

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area of private open space of an adjacent dwelling such as 59 and 61 Irby Boulevard. All lots along Irby Boulevard are orientated north to south. Shadow cast from the new extension will be predominantly contained within the boundaries of the lot.

The proposed extension details the ground floor to be extended 4.5m toward the northern boundary to create a new bedroom with bathroom and walk-in robe, in addition to storage space with an outdoor shower. The ground floor will be setback 1.5m from the northern boundary. The proposed first floor details the extension having a setback of 0.45m from the northern boundary.

The apparent scale, bulk and massing proportions are relative to both 59 and 55 Irby Boulevard Sisters Beach. The proposed roof line falls away from the existing dwelling. This change in roof line assists with reducing the proportions of the building. When viewed from adjacent dwellings at the side boundaries the proposed ground floor stops 1m shorter than the first floor, which will assist in reducing the apparent bulk and massing proportions when viewed from the side. When viewed from the east elevation the extension at ground floor will have an open storage bay that is not proposed be enclosed until a further 4m from the eastern elevation further assisting with the apparent bulk and scale of the extension.

The proposed dwelling extension will remain consistent with the streetscape and will appear unchanged when viewed from Irby Boulevard. The setback relative to the rear and north-western corner of the lot is considered consistent with the setbacks of buildings and structures from lot boundaries within the streetscape of Irby Boulevard. Properties located on the north of Irby Boulevard have built hard up to the northern boundary. These include properties at 59, 61, 65, 53, 51, 47 and 45 Irby Boulevard. It is therefore considered the setback of the proposed new dwelling extension from lot boundaries is consistent with other setbacks within the streetscape.

The proposed dwelling extension responds to the effect of both the slope and orientation of the site. The first-floor, cantilevered design retains the under-deck space as a pervious grassed area, thereby avoiding the need for further earthworks, and the extension is located to the north of the existing dwelling in order to take advantage of the site's northern orientation.

The proposed dwelling extension will be setback 3m to the east side boundary, as the extension will extend north from the existing dwelling. There is no further reduction in the separation to the dwelling on the eastern side boundary. It should be noted the dwelling at 55 Irby Boulevard is also setback from the side boundary by approximately 3m, and therefore a separation of 6m is achieved on the east between dwellings, assisting with attenuating the impact of the bulk of the building.

The extension is setback 3.7m from the western side boundary, extending the existing building to the north. The new extension will have an additional set of stairs located alongside the existing ramp to access the new deck and dwelling extension. The new access stairs will be located approximately 2.4m from the western boundary.

It must be noted that the new stairs are not as wide as the current ramp located on the western elevation of the dwelling. The subject dwelling extension is located alongside a public beach access, to the western boundary. This access measures approximately 2m wide. The new stairs to the extension will be setback a further 2.4m

from the title boundary, with the bulk of both the existing dwelling and extension located 3.7m from the side boundary. The property identified as 59 Irby Boulevard is setback approximately 4m its eastern side boundary. Therefore, the total separation between the buildings is approximately 8m. This is greater than the average separation distances in Irby Boulevard and will further assist in attenuating the impact of the dwelling extension.

The proposal complies with the performance criteria.

**Visual and acoustic privacy for residential development 12.4.4 (P1)**

<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> <p>(i) be not less than 6.0m from any door, window, balcony, deck, or roof garden in a dwelling on the same site;</p> <p>(ii) be not less than 3.0m from a side boundary;</p> <p>(iii) be not less than 4.0m from a rear boundary; and</p> <p>(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> <p>(b) if less than the setbacks in clause A1(a) -</p> <p>(i) be off-set by not less than 1.5m from the edge of any door or window in another dwelling;</p> <p>(ii) have a window sill height of not less than 1.8m above finished floor level;</p> <p>(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</p> <p>(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%</p>	<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> <p>(a) physical separation from the door, window balcony, deck, or roof garden in an adjacent dwelling;</p> <p>(b) off-set from a door or window to a habitable room in an adjacent dwelling;</p> <p>(c) effective use of screening other than vegetation; or</p> <p>(d) effect of topography and natural features</p>
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<p>located for the full width of the door, window, balcony, deck, roof garden, parking space, or carport</p>	
<p><b>Planning Comment: Complies</b></p> <p>The proposed dwelling extension proposal has a finished floor level that is more than 1m above natural ground level and is less than 3m from a side boundary and a portion of the stairs and landing is not offset 1.5m from a window to the western boundary. The proposed dwelling extension at the north western corner where the proposed new stair and landing is located does not meet the acceptable solution. Therefore, the proposal must address the performance criteria.</p> <p>The physical separation provided from the stairs and landing is greater than that in the prevailing area. The proposal provides a physical separation of 9m from the living room window of the neighbouring lot at 59 Irby Boulevard and the stair and landing of 9m. This physical separation of 9m is considered to assist in minimising the likelihood of overlooking from the landing of the stairs. Separation is further maintained to the western property identified as 59 Irby Boulevard as the public walkway separates the boundaries of the two titles, assisting with the larger separation between this dwelling's living room window and the dwelling extension.</p> <p>The proposed deck extension, excluding the stairs, complies with the acceptable solution and meets the relevant side setback. However, the proposal includes a full height glass screen located on the western elevation of the deck extension to further minimise overlooking from the deck. The proposed stair landing does not have further screening, however it will be offset approximately 1.2m further north of the living room window at 59 Irby Boulevard. The proposed new stairs and landing are not considered to be an area that people will linger on and will be an area that people will move through. The subject dwelling has existing internal stairs from the garage to the first floor where the extended living room will be, so the outdoor stairs will not be solely relied upon for access to the first floor.</p> <p>The effect of the topography and natural features of the slope on site, results in both the subject property and property to the west both having private open space decking areas located at first floor. Therefore overlooking from an extension down into neighbouring properties is unlikely.</p> <p>The proposal complies with the performance criteria.</p>	

## Part E Codes

### Bushfire-Prone Areas Code

E1 Not applicable to this application.

### Airport Impact Management Code

E2 The proposal complies with the Acceptable Solutions of this code.

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**Clearing and Conversion of Vegetation Code**

E3 Not applicable to this application. No clearing is included as part of the proposal.

**Change in Ground Level Code**

E4 Not applicable to this application.

**Local Heritage Code**

E5 Not applicable to this application.

**Hazard Management**

E6 Not applicable to this application. Council's planning scheme does not have an endorsed coastal inundation map or coastal erosion map, therefore the code does not apply.

**Signs Code**

E7 Not applicable to this application. No signs are proposed as part of the development.

**Telecommunications Code**

E8 Not applicable to this application.

**Traffic Generating Use and Parking Code**

E9 The proposal continues to provide sufficient parking on-site. No changes are proposed.

**Water and Waterways Code**

E10 Not applicable to this application. The proposal is located approximately 41m from the mapped mean high tide water mark and therefore the Code is not triggered.

**STATUTORY IMPLICATIONS****Land Use Planning and Approvals Act 1993**

The Council is established as a *Planning Authority under Section 3(1) of LUPAA* and must enforce the planning scheme under S.48 of LUPAA.

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



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## **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.

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 dwelling extension meets the relevant performance criteria of the planning scheme. The proposal details suitable measures to assist with minimising any amenity impacts from the proposed dwelling extension on the adjoining lots. The separation will continue to reflect the current setbacks of the buildings within streetscape of Irby Boulevard.

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There will be no further changes to the existing utilities, and car parking arrangements will remain in the current configuration. Therefore, the visual impacts when viewed from the street will remain identical.

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 extension.

MOVED BY	CR DUNIAM
SECONDED BY	CR FAIRBROTHER

**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 extension at 57 Irby Boulevard, Sisters Beach subject to the following conditions: -**

**PART A CONDITIONS:**

- (1) The development is to be generally in accordance with the application as submitted and endorsed documents as listed:
  - c) Proposal Plans with Project Number 17.04, Drawing Numbers A01, 02 and 03, as prepared by GPI Consulting.****
- (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.**

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*.

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- The development/use is not to result in the generation of environmental harm or nuisance as defined in the *Environmental Management and Pollution Control Act 1994*.
  - This permit is based on information and particulars set out in Development Application DA 109/2018. Any variation requires an application for further planning approval of Council.
  - Should access to the site be required from Crown Land, please liaise with Crown Land Services to apply for a relevant lease or license arrangement.
  - 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 unanimously

IN FAVOUR

MAYOR WALSH	CR BRAMICH	CR COURTNEY	CR DUNIAM
CR EDWARDS	CR FAIRBROTHER	CR HOUSE	CR HYLAND

**The Planning Authority Closed at 7.22pm**

The planners left the meeting at 7.22pm

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## **8.0 MATTERS RAISED BY COUNCILLORS**

Legislative Reference:

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

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

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

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

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

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

#### **8.1.1 CR EDWARDS – ANZAC Park Pathway**

Cr Edwards asked when the ANZAC Park pathway would be fixed and how will community to be notified.

The General Manager took the question on notice and noted that there are some difficulties in resolving the issue and advised that he would provide an update to Councillors.

The Anzac Park pathway is subject to a separate report on this agenda which will address the questions raised.

#### **8.1.2 CR HYLAND – Storm Water outlets at new subdivision**

Cr Hyland asked if a check had been completed on Storm Water outlets in new subdivision.

The DIDS advised that the drains have been checked and are functional, the developer has been contacted regarding some silt cleanout as a precaution.

#### **8.1.3 CR HYLAND – Calder Road Sewage Issue**

Cr Hyland asked if there was an update on Calder Rd sewage matter previously raised.

The DIDS advised that The property has been inspected by Council's plumbing and Compliance officer and some overflow of treated water has been detected (this has been confirmed to not be raw sewage). The landowners have been contacted with a requirement to reshape the land around the device to ensure overflow does not

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continue and have since contacted Council to advise of the installation of low water use devices

#### **8.1.4 CR FAIRBROTHER – Southern Cross Homes Legal Decision**

Cr Fairbrother asked if the decision regarding waiver of rates for Southern Cross Homes recently would have any impact on this Council.

The General Manager took the question on notice.

A summary of this matter and implications for Councils is well articulated by the Local Government Association of Tasmania (LGAT) as part of the agenda papers for the General Meeting on 7 December. This report states -

*A number of councils commenced charging rates on full cost independent living units operated by charitable organisations in 2016 based on established legal precedent. Southern Cross Care took the matter to the Magistrates Court involving Hobart City, Clarence City, Kingsborough and Meander Valley Councils. The court upheld councils' rights to charge rates on such properties on the basis that the land was not both owned and occupied exclusively for charitable purposes. Southern Cross Care then escalated action to the Full Court of the Supreme Court and on 12 November the court handed down its judgement finding that Southern Cross Care did not have to pay rates on the ILUs and ordering councils to pay back rates collected.*

*The Supreme Court Judgement notes there is different language in play in state legislation, with reference to 'occupation' in Tasmania and 'use' in other jurisdictions meaning that case law established in other parts of Australia is not necessarily applicable or supportive of councils' arguments in Tasmania. "Section 87(1)(d) is silent as to the identity of the owner or occupier, focused on the purpose of ownership and occupation...(and) the requirement is satisfied if the occupation is exclusively on account of the owner's charitable purpose, whether or not the owner is in occupation".*

*This judgment raises concerns in relation to other types of properties such as social housing, particularly in light of the significant transfer or public housing dwellings to charitable providers. However, LGAT has been informally advised by Housing Tasmania that the Residential Management Agreement in such cases does confer an obligation to pay rates. Formal advice will be sought in due course, pending the decision of the four councils involved in court action. Regardless of the legal outcomes, the judgement suggests this is a matter that should be clarified in legislation going forward and LGAT will advocate on that basis as appropriate.*

*There is a common misconception that council rates represent charges for services provided but under the Local Government Act 1993, rates are clearly identified as a form of taxation. As such they must balance the key taxation principles of efficiency and simplicity, sustainability, competitive neutrality and equity. Sometimes there are exemptions from paying rates, but these decisions must be made carefully as they ultimately affect the burden of others in the community.*

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*Removal of the general rates exemption from properties not used exclusively for charitable purposes is both a matter of law and equity. Until this recent judgement, under Tasmanian law, it was simply not enough that the landowner is a charitable institution if the purpose for the occupancy is also not charitable. It was deemed that the exemption provisions of the Local Government Act 1993 were not satisfied unless a property is not only owned by a charitable organisation but also occupied exclusively for charitable purposes.*

*Independent living units are, by their very definition, accommodation units designed for independent, active retirees who do not require special assistance with day-to-day living. What distinguishes them from aged-care facilities is that independent living units are used as normal and private residences, just like anyone else's home.*

*Importantly, councils are not applying this change of policy to aged-care facilities, short-term welfare housing, administrative offices and other facilities associated with these providers' operations, these will remain exempt from paying general rates. Further we would note pensioners can apply to receive a rates rebate like any other pensioner residing in their own home. Exactly the same principle applies to lifestyle villages, community housing and the transfer of public housing to charitable organisations.*

*The need for councils to ensure that general rate exemptions are appropriately applied is good governance. It is important for councils to implement up-to-date and equitable policies that consider the entire community and ensure ratepayers are being treated fairly and equally.*

Council officers have reviewed the rating process for not-for-profit residential homes and associated processes and have advised that there does not need to be a change in existing procedures at this stage.

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## **8.2 COUNCILLOR QUESTIONS RECEIVED IN WRITING**

### **8.2.1 CR A HOUSE – EAST WYNYARD BOAT RAMP INCIDENT**

#### **QUESTION**

There was a recent incident whereby a resident was injured as a result of inappropriate use of the beach through the East Wynyard boat ramp. It is understood that residents wrote to Council regarding concerns with this access area.

Can Council please advise of the outcome of that review and what measures were considered for improving safety for that area (mount hicks/old bass highway roundabout down to the boat ramp) given its mixed pedestrian and vehicle use?

#### **OFFICERS RESPONSE**

A resident has written an email to Council date 26/11/18 regarding concerns of vehicles using the East Wynyard Boat ramp to hoon on the beach and then travel up the ramp at high speed without due care and attention to any users of the intersecting pathway. In the email an incident of the 25/11/18 is described regarding three cars hooning in this location and a resultant altercation with a resident from the area who sort to remonstrate with them.

A council officer spoke with the author of the email and clarified that their expectations in response were for Council to close off the existing East Wynyard Boat Ramp to prevent cars being driven on the beach.

The Council officer then investigated the history of the boat ramp and found that it is still used as a public boat ramp though the use is low, but it is also relied upon by emergency services for access to the water.

A response was given on the 29/11/18 that certainly incidents of hooning should be reported to police and that at this stage with the boat ramp being used by the public and emergency services closing of the ramp could not be achieved.

A potential measure that could be put in place that may satisfy the request of the email writer would be to construct a boom gate at the ramp with keyed access being given to emergency services however this would be at the trade-off of that members of the public would no longer be able to use the facility.

An alternate measure that could be considered to control vehicle speed in the area from Old Bass Highway to the boat ramp turning area is the installation of speed humps. This would have some affect upon the amenity of current boat ramp users but would not prevent them from continuing to lawfully use the facility. Speed humps would not however prevent vehicles from access the beach and hooning.

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### 8.3 COUNCILLOR QUESTIONS WITHOUT NOTICE

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

#### 8.3.1 CR DUNIAM – CLIMATE CHANGE STRATEGY

*Cr Duniam asked what the status of this Council's climate change strategy is.*

*The General Manager advised that council does not have a climate change strategy but is currently involved in several working groups looking at the matter.*

#### 8.3.2 CR DUNIAM – SOMERSET FOOTPATHS

*Cr Duniam asked if Council's Works service schedule included cleaning of footpaths in the Somerset central area, similarly to that of Wynyard, in particular the frequency of cleaning?*

*The Director Infrastructure and Development Services advised that the Somerset CBD will be changing to same frequency as Wynyard CBD streets.*

#### 8.3.3 CR DUNIAM - MOWING

*Cr Duniam asked if Council's Works service schedule includes mowing of the nature strip beside the Plywood mill fence and footpath in Falmouth Street, Somerset. Is this the responsibility of Council?*

*The Director Infrastructure and Development Services advised that previously council has not undertaken the work, he also noted that there is a nature strip policy that staff work to.*

#### 8.3.4 CR DUNIAM – PREVIOUS MOTION LAID ON THE TABLE - Acknowledgement of indigenous peoples at commencement of council meetings

*Cr Duniam asked that the motion regarding the "**Acknowledgement of indigenous peoples at commencement of council meetings**" laid on the table at the August 2018 General Meeting of Council be brought back to the table for inclusion on the agenda at the next General Meeting of Council in January 2019 as a matter of due process according to the Local Government (Meeting Procedures) Regulations 2015*

*The General Manager noted the request and advised he would include the motion on the January agenda.*



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### **8.3.5 CR HOUSE – EAST WYNYARD FORESHORE**

*Cr House asked what councils position was on the use of vehicles on beaches in general.*

*The Director Infrastructure and Development Services advised he would take question on notice and bring to a workshop as beaches are owned by Crown Land Services.*

### **8.3.6 CR HOUSE – SPEED LIMITS**

*Cr House asked if speed limits and road markings in the area of the East Wynyard boat ramp were considered adequate.*

*The Director Infrastructure and Development Services took the question on notice.*

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## 9.0 NOTICES OF MOTION

Legislative Reference:

*Local Government (Meeting Procedures) Regulations 2015; Regulation 16*

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

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

*(a) is defamatory; or*

*(b) contains offensive language; or*

*(c) is unlawful.*

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

### 9.1 CR C. EDWARDS – E-WASTE RECYCLING

#### **MOTION**

**That Council consider the installation of recycling units for e-waste and other similar waste items in designated central municipal areas as part of the current waste management strategy review**

#### **BACKGROUND**

City of Hobart have trialled the e-waste units and it is now a permanent fixture.

We need to be proactive leaders in slowing down, waste to landfill.

This should be a non-negotiable as we move forward into the future of looking after our environment.

#### **OFFICERS RESPONSE**

This matter can be included in the scope of opportunities to explore in the Waste Management services review

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MOVED BY	CR EDWARDS
SECONDED BY	CR DUNIAM

**That Council consider the installation of recycling units for e-waste and other similar waste items in designated central municipal areas as part of the current waste management strategy review**

The MOTION was put and was CARRIED unanimously

IN FAVOUR

MAYOR WALSH	CR BRAMICH	CR COURTNEY	CR DUNIAM
CR EDWARDS	CR FAIRBROTHER	CR HOUSE	CR HYLAND

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## 9.2 CR C. EDWARDS – PARKS AND WILDLIFE AUDIT OF SISTERS BEACH PROPERTIES

### MOTION

**That Council request that Parks and Wildlife complete their proposed assessment audits of beach front properties at Sister Beach by March/April rather than the proposed 30 June deadline.**

### BACKGROUND

It would be a positive step forward to band with the home owners, to be united in seeking this deadline, before the onset of winter and rough weather.

Home owner can make earlier assessment and strategies with the help of parks and wildlife.

Can make any prep or costing for work to be carried out.

### OFFICERS RESPONSE

On Tuesday 23 October, representatives of the Sisters Beach Community Association, Parks and Wildlife, Water Technology, Councillors Council staff and selected community members met to find a clear direction for erosion issues at Sisters Beach. One of the outcomes of that meeting was the indication that Parks and Wildlife staff will be contacting land owners with properties directly adjacent to Crown reserves to complete individual site assessments including discussions surrounding yard creep and vegetation removal on the coastal dune areas. This is expected to be completed by June 2019.

Should this motion be successful, a letter would be written to Parks and Wildlife formally requesting the change in completion dates. Indications from Parks and Wildlife are that a March/April deadline would be problematic however attempts could be made for a completion earlier than 30 June. It is proposed that the work will be contracted, so a tender process needs to be undertaken followed by the scheduling of the consulting work.

MOVED BY	CR EDWARDS
SECONDED BY	CR DUNIAM

**That Council request Parks and Wildlife complete their proposed assessment audits of beach front properties at Sister Beach by March/April rather than the proposed 30 June deadline.**

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The MOTION was put and was CARRIED

IN FAVOUR

MAYOR WALSH	CR BRAMICH		CR DUNIAM
CR EDWARDS		CR HOUSE	CR HYLAND

AGAINST

		CR COURTNEY	
	CR FAIRBROTHER		

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### 9.3 CR K. HYLAND – OPEN SPACE, SPORT AND RECREATION PLAN AMENDMENT

#### CR HYLAND ASKED THAT MOTION BE DEFERRED

#### MOTION

That Council: -

1. **Amend the Open Space Sport and Recreation (OSSR) Plan to read - The Show Society and some users of the show ground do not wish to entertain a move to Fredrick Street at any time in the immediate future; and**
2. **That a further review of the possible relocation of Show Ground users be conducted in 2023.**

#### BACKGROUND

A recommendation that was put to council in the agenda dated 18th September 2017 and was not acted on immediately after the document was adopted.

The Show society has missed funding opportunities to upgrade their facilities due to the document not being amended and council not in a position to provide positive letters of support.

#### OFFICERS RESPONSE

The OSSR Plan was adopted by Council in September 2017 with an aim to provide leadership in delivering open space, sporting and recreation outcomes and improve the municipal areas as places to live and visit. The plan is premised on creating a range of recreational activities that enhance participation in physical and social opportunities and attempts to address issues associated with aging infrastructure, dispersed venues, low participation and unmet demand.

As part of the OSSR plan, two key consolidated sporting precincts are proposed for Wynyard – one at Frederick Street Reserve and the other at the recreation ground. This consolidation is aimed to enhance participation and reduce the costs of management.

Users of the Showground were proposed to relocate to one of these two precincts with the Wynyard Agricultural and Pastoral Society (Show Society) earmarked to be relocated to the Frederick Street precinct. The current Showground users include the Show Society, Wynyard Cricket Club, Wynyard Gymnastics Club, University of the Third Age, NW Poultry Society, Wynyard Axemen's Association, NW Bird Club and the Wynyard Community Church. In recent times, the Show Society has received a \$231,000 State Government Grant to renovate/replace the Industrial Hall, which has

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therefore heightened the urgency to be clear about the future of the club, its location and facilities.

Over recent months, the Show Society have been actively advocating against a relocation. They hold a Crown Lease until 2058 and are of the view that some of the showground buildings are new and of a very good standard whilst others, whilst old, are generally serviceable and cost-effective venues for broad community uses. Council have been advised on many occasions that a proposal for the future use of the Showgrounds is being prepared by the users of the facility, however this is yet to be received. Until this proposal is received, it is difficult to make an informed decision about the long-term use of the venue.

In the absence of the proposal, and when looking at Council's priority projects and other OSSR initiatives that are further developed in the planning phase, the suggestion to defer any decision on the future of the Showgrounds appears sound however it must be noted that a long term delay in making a decision has the ability to impact other aspects of the OSSR plans, such as the development of the Wynyard High School site. It may delay many aspects of the proposed precinct developments. If any of the showground users wish to enter into discussions regarding relocation this can be undertaken at any time.

The adopted OSSR plan itself does not need to be specifically updated, however notes and progress comments against the recommended actions can certainly be updated to acknowledge the position of the Show Society and outcome of any decision of Council.

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## 9.4 CR A HOUSE – COMMUNICATION STRATEGY

### MOTION

**That Council commence the drafting of a Communications Strategy as a matter of priority, and the following are produced as a necessary suite of associated documents;**

- 1. Draft Communications Policy**
- 2. A paper which reviews the cost-benefit of the Community Survey and alternative options**
- 3. A report which explores the option of a Waratah Wynyard Council smartphone “app” for the public**

### BACKGROUND

The 2018-2019 Annual Plan (Outcome 1.1 Leadership & Governance) cites that Council will develop and adopt a Communication and Engagement Strategy. The 2017-2018 Annual Plan also states “Review the Corporate Communications and Social Media Strategy”, however there is currently no form of communications strategy in place (expired or otherwise).

There is no communications policy in effect (expired or otherwise).

The bi-annual Community Survey was due to occur in October 2018 and has not yet occurred. The budgeted cost for this is \$15,000 and the survey usually receives a response rate of less than 300 people.

To date, Council has not explored the potential of improving communication with the community through a smartphone app.

### OFFICERS RESPONSE

As mentioned in the supporting commentary, the 2018-2019 Annual Plan indicates that Council will develop and adopt a Communication and Engagement Strategy. Should Council support this motion, this project, due for completion by 30 June 2019, can be brought forward and work commenced in February.

Preparation for the Community Survey is underway, as this was delayed from the October timeframe due to the Local Government Elections in order to provide Councillors with an opportunity to have input into the process prior to commencement. The matter will be workshopped in the New Year.

Should the motion be successful, the suite of associated documents can be produced and provided to Councillors for consideration.



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MOVED BY	CR HOUSE
SECONDED BY	CR DUNIAM

**That Council commence the drafting of a Communications Strategy as a matter of priority, and the following are produced as a necessary suite of associated documents;**

- 1. Draft Communications Policy**
- 2. A paper which reviews the cost-benefit of the Community Survey and alternative options**
- 3. A report which explores the option of a Waratah Wynyard Council smartphone “app” for the public**

The MOTION was put and was CARRIED

IN FAVOUR

MAYOR WALSH	CR BRAMICH	CR COURTNEY	CR DUNIAM
CR EDWARDS		CR HOUSE	CR HYLAND

AGAINST

	CR FAIRBROTHER		

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## 10.0 REPORTS OF OFFICERS AND COMMITTEES

### 10.1 WILKINSON STREET HIGHWAY JUNCTION WORKS

To: Council  
Reporting Officer: Acting Manager Engineering & Projects (CHC)  
Responsible Manager: General Manager  
Report Date: 8 November 2018  
File Reference:  
Enclosures: **REFER ATTACHMENT C**  
Petition Oldina Road/Wilkinson Street Intersection Bass Highway

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#### PURPOSE

For Council to determine whether to initiate the notification process to close the Wilkinson Street access to Bass Highway as per the Department of State Growth's proposed safety improvements.

#### BACKGROUND

Following two rounds of consultation of proposed Wynyard highway junction upgrades the Department of State Growth have commenced works on two junctions and stated intent to complete works on all five junctions. The Department of State Growth have however stated that they will not progress with the closure of Wilkinson Street unless supported by Council.

In order for a closure of Wilkinson Street onto the Bass Highway to occur there is a statutory process that must be followed in accordance with section 14 of the Local Government Highways Act 1982. Requirements of this process include notification to the public providing opportunity to lodge objections. To date this notification process has not commenced.

The right turn lane and closure of Wilkinson Street has been removed from the existing scope of works for the contractors completing the current roundabout works on Calder Road. It could be added if agreed prior to demobilisation of the contractors. If later, a separate contract and tender process would need to be instigated. The Department of State Growth have some concerns about the ability to attract a suitable contractor for that work.

#### DETAILS

The intent of the works recommended by the Department of State Growth is to improve the safety of the Wilkinson Street/ Bass Highway intersection.

There has been some conjecture whether this intersection is a blackspot that needs attention. The National Black spot funding program provides criteria for allocation of funding to reduce the national road toll under the National Road Safety Action Plan 2018-2020. The funding eligibility conditions of this programme are as per the extract from the Australian Government Website: -

*“Funding is mainly available for the treatment of Black Spot sites, or road lengths, with a proven history of crashes....”*

*For individual sites such as intersections, mid-block or short road sections, there should be a history of at least three casualty crashes over a five-year period.”*

In this regard recorded crash events are categorised in descending order of severity: -

- Fatal
- Serious
- Minor
- First Aid
- Property Damage only

All categories with the exception of “Property Damage only” are regarded as casualty crashes.

The crash history supplied by the Department of State for the Wilkinson St/ Bass Highway intersection over the last 18 years is as per the below table: -

Crash Date	Crash Time	Severity	Crash Factors	Surface Condition	DCA Code
9/05/2001	18:15	Fatal	Inattentiveness, Fail to observe road signs and markings	Dry	110 Cross traffic
2/05/2005	16:30	Property Damage Only	Improper overtaking	Dry	119 Other adjacent
24/06/2005	15:55	Minor	Fail to give way	Dry	110 Cross traffic
15/08/2007	8:00	Property Damage Only	Inattentiveness, Fail to give way	Dry	110 Cross traffic
22/01/2008	12:14	Minor	Inattentiveness, Improper overtaking	Dry	152 Pulling out
22/05/2008	15:50	Property Damage Only	Distraction - external to vehicle	Dry	131 Vehicles in same lane/ left rear
3/06/2008	18:18	Minor	Fail to give way	Dry	110 Cross traffic

Crash Date	Crash Time	Severity	Crash Factors	Surface Condition	DCA Code
15/11/2008	11:30	Property Damage Only	Inattentiveness	Wet	132 Vehicles in same lane/ right rear
6/02/2009	13:57	Minor	Inattentiveness, Fail to give way	Dry	110 Cross traffic
25/02/2010	17:30	Property Damage Only	Fail to give way	Dry	110 Cross traffic
3/06/2010	9:20	First Aid	Fail to give way	Dry	110 Cross traffic
21/04/2011	9:05	Serious	Distraction - in vehicle, Unwell / Infirm, Fail to give way	Wet	110 Cross traffic
11/07/2011	15:40	Property Damage Only	Fail to give way	Dry	110 Cross traffic
26/06/2012	10:15	Minor	Fail to give way	Dry	110 Cross traffic
10/01/2017	13:45	Minor	Fail to give way	Dry	110 Cross traffic
17/07/2017	15:33	Minor	Undetermined	Wet	110 Cross traffic

In respect of the National Black spot eligibility criteria of 3 casualty crashes in a 5 year period, 1 out of the 4 past 5 year periods meets this criteria as per the below table: -

Five year period	No. Casualty crashes	No. Sub types of Casualty
2018-2013	2	2 Minor
2013-2008	6	1 Serious, 4 Minor, 1 First Aid
2008-2003	1	1 Minor
2003-	1	1 Fatal

For the most recent 5-year period this intersection would not be eligible for full Black Spot funding for upgrade works. It must be noted however that Black spot funding eligibility is not a 'golden rule' for determining whether a safety issue exists or not, it is simply a funding prioritisation tool.

In this regard it can be noted that over the 18-year period of data supplied 10 casualty crashes have occurred at this intersection. The recommended upgrades from the Department of State Growth have funding approval independent of the Black Spot Program and are intended to reduce the recurrence of casualty crashes at this location. The desire is to eliminate traffic movement across the highway, which may result in serious consequences in the event of an incident.

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## STATUTORY IMPLICATIONS

### Statutory Requirements

Section 14 of the *Local Government (Highways) act 1982 (LGHA)* provides that if a corporation wishes to close part of a local highway it may do so if it considers that is for the public benefit or is in the interest of public safety. Subject to those public interest questions being satisfied then in respect of the local highway a Council wishes to close (in this case the Wilkinson street access to Bass Highway) it must: -

- Serve written notice of its intention to close part of the local highway on those affected by its decision and transport Tasmania;
- Display a notice in prominent position at each end of the highway to be closed; and
- Publish twice in separate issues of the local newspaper the fact of the proposed closure.

Any interested person within 28 days of the Council complying with the aforementioned requirements may give written notice to the Council of his or her objection to the proposed closure. The Council is then to refer the objection to the Magistrates Court Administrative Appeals Division who will hear and determine the objection. The Court may either uphold the objection or authorise the proposed closure.

To date no notice has been given by Council so no lawful closure of Wilkinson Street can occur.

If Council considers the Department of State Growth's recommended upgrade works to be for the public benefit and in the interest of public safety, then the above requirements of section 14 of the *LGHA* should be followed.

Regardless of the decision to close Wilkinson Street or leave it open, investigation should take place regarding the existing bus stop in York Street to explore alternate options. The changed traffic movements have necessitated a review, which was planned to happen at this time.

## STRATEGIC IMPLICATIONS

### Strategic Plan Reference

<b>GOAL 6: Transport and Access</b>
<b>Desired Outcomes</b>
We make publicly transparent decisions on spending and future directions while encouraging community feedback. We represent our community and are a strong advocate for contemporary regional transport and access network needs.

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Sustainable Murchison Community Plan 2040

<b>Community Future Direction Theme</b>	<b>Key Challenges &amp; Opportunities:</b>
<b>Access and infrastructure</b>	<i>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.</i>

### **POLICY IMPLICATIONS**

There are no policy implications as a result of this report

### **FINANCIAL IMPLICATIONS**

If section 14 of *LGHA* is enacted there would likely be objection received and cost associated with a likely Magistrates Court Administrative Appeals Division. It is difficult to determine the cost associated with this however there is no planned expenditure for this matter in Council's 2018/19 Annual Plan and budget estimates. Council would request that State Growth cover the costs of this process.

### **RISK IMPLICATIONS**

There is some risk to Council reputation in determining this matter.

If based upon the Department of State Growths recommendations for safety improvement the section 14 requirements of *LGHA* are followed there is likely to be some objection based upon feedback received to date. This objection would then be determined by the Magistrates Court Administrative Appeals Division.

If, however Council disagrees with the recommendation of the Department of State Growth and chooses not to pursue the closure there is risk of reputational damage for any future accidents occurring at this intersection. Aggrieved parties could pursue legal action against Council for not acting upon a safety recommendation. It is noted should an incident occur, liability will be dependent on the circumstances of the incident which may include any coroner investigation.

On the balance of risks following the section 14 process first allows parties aggrieved by the recommendation to object and have the matter decided by a third party. Thus, the risk is shared.

### **CONSULTATION PROCESS**

The Department of State Growth and Council have jointly facilitated a number of consultation exercises to date: -

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September 2016 – Proposed junction upgrades from the Department of State Growth were roundly rejected except for Reservoir Drive.

May – June 2017 – the Department of State Growth undertook further consultation with revised designs reflecting feedback gained from the September 2016 consultation round. Details of feedback received are listed in the Special meeting minutes of Council on 31 July 2017.

No further formal consultation has occurred since and the Department of State Growth have commenced work on two out of the five junctions that were identified for safety upgrades. Since the start of works Council has received representation against the closure of Wilkinson Street from affected residents and the Department of State Growth received two emails of similar objection when informing residents of the proposed works in August 2018.

Social media response has been mixed, with an equal number of comments supporting the closure whilst those against remain very passionate.

For completeness, previous petition received advocating against the closure of Wilkinson Street is attached for information.

## COMMENT

Council must determine whether to support the Department of State Growth's recommendation to close the Wilkinson Street access to the Bass Highway, not proceed with the closure under any circumstances or defer decision to a later date. Construction of a new roundabout at Calder Road has commenced and it is yet to be determined the impact of those works on traffic movements. The roundabout and associated speed limit changes may improve the safety of the Wilkinson Street intersection. An alternate motion may be:

*That Council advise the Department of State Growth that it wishes to defer a decision on the closure of Wilkinson Street until such time that the impact of the Calder Road roundabout and associated changes is determined*

MOVED BY	CR BRAMICH
SECONDED BY	CR DUNIAM

## That Council

- 1. advise the Department of State Growth that it wishes to defer a decision on the closure of Wilkinson Street until such time that the impact of the Calder Road roundabout and associated changes is determined; and**

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**2. Undertake investigations into relocation of the existing York Street bus stop to another area within the vicinity.**

The MOTION was put and was LOST

IN FAVOUR

	CR BRAMICH	CR COURTNEY	MAYOR WALSH

AGAINST

			CR DUNIAM
CR EDWARDS	CR FAIRBROTHER	CR HOUSE	CR HYLAND

MOVED BY	CR HYLAND
SECONDED BY	CR FAIRBROTHER

**That Council:**

- 1. Support the recommendation of the Department of State Growth to close the Wilkinson Street access to the Bass Highway; and**
- 2. Initiate the process of notification of intent to close under section 14 of the Local Government Highways Act 1982; and**
- 3. Undertake investigations into relocation of the existing York Street bus stop to another area within the vicinity**

AMENDMENT to the Motion

MOVED BY	CR FAIRBROTHER
SECONDED BY	CR COURTNEY

**That Council that on receipt of assurances from DSG that council legal expenses associated with any representation and associated legal process will be reimbursed; and**

- 1. Support the recommendation of the Department of State Growth to close the Wilkinson Street access to the Bass Highway; and**
- 2. Initiate the process of notification of intent to close under section 14 of the Local Government Highways Act 1982; and**



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**3. Undertake investigations into relocation of the existing York Street bus stop to another area within the vicinity**

The AMEDNMENT TO THE MOTION was put and was CARRIED

IN FAVOUR

MAYOR WALSH		CR COURTNEY	CR DUNIAM
CR EDWARDS	CR FAIRBROTHER	CR HOUSE	CR HYLAND

AGAINST

	CR BRAMICH		

The AMENDED MOTION was PUT

**That Council that on receipt of assurances from DSG that council legal expenses associated with any representation and associated legal process will be reimbursed; and**

- 1. Support the recommendation of the Department of State Growth to close the Wilkinson Street access to the Bass Highway; and**
- 2. Initiate the process of notification of intent to close under section 14 of the Local Government Highways Act 1982; and**
- 3. Undertake investigations into relocation of the existing York Street bus stop to another area within the vicinity**

The AMENDED MOTION was CARRIED

IN FAVOUR

MAYOR WALSH		CR COURTNEY	CR DUNIAM
CR EDWARDS	CR FAIRBROTHER	CR HOUSE	CR HYLAND

AGAINST

	CR BRAMICH		

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*Cr Fairbrother asked if costing for moving the bus stop from York Street could be obtained from DSG.*

*The General Manager advised he would have a discussion with DSG about providing some budget for moving the bus stop.*

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## 10.2 ANZAC PARK FORESHORE REPAIRS

To: Council  
Reporting Officer: Director Infrastructure & Development Services  
Responsible Manager: Director Infrastructure & Development Services  
Report Date: 1 December 2018  
File Reference:  
Enclosures: Anzac Park Remediation plan of works

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### PURPOSE

To determine Council's forward approach for restoring the footpath in Anzac Park following Coastal erosion.

### BACKGROUND

During July & August of 2018 severe king tides, wind and low-pressure systems resulted in coastal erosion across many locations on the Tasmanian coast line. The concrete footpath in Anzac Park Somerset along with associated concrete footpath beach accesses were affected by these weather events.

A similar erosion event occurred in 2012 that affected the access to the Somerset Surf Club building. At this time Council engaged a Coastal engineer to review movement of the coastline and vegetation over the period of available historic aerial photography.

The resultant report and conclusions were adopted by Council in December 2012 as per the below extract from the Council meeting minutes: -

***That the Council note:***

- 1. The enclosed Shoreline Stability Report at Somerset; and***
- 2. Note the conclusion of the report that if sea level rises into the future the Somerset Foreshore is likely to recede, placing existing infrastructure at risk.***

*The MOTION was put and was CARRIED unanimously.*

Since the severe weather events, Council officers have been exploring options for restoration of the pathway, both to reinstate functionality but also to ensure the structure is best protected from future weather implications.

### DETAILS

The 2012 Shoreline Stability Somerset report shows the following historical pattern of coastline movement: -



As can be seen in the above aerial image review the 1960 coastline aligns with the damage to footpath suffered from the July – August king tide related weather events. It is highly recommended the restoration of the footpath in this location be outside of this known area of coastline instability and that the concrete beach accesses not be reinstated.

In regard to maintaining access to the beach it would be preferable for the access in front of the Surf club building to be the main focal point.

The enclosure shows the recommended retreat from this area for restoration of infrastructure. The proposed location is inland and therefore less susceptible to any erosion concerns.

Work on this pathway would be given high priority with all attempts made to schedule and complete the work prior to the event held in Anzac Park on Australia Day.

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## STATUTORY IMPLICATIONS

### Statutory Requirements

Application to do works must be lodged with Crown Lands services and Parks and Wildlife and approval gained to do the recommended footpath restoration works.

## STRATEGIC IMPLICATIONS

### Strategic Plan Reference

<b>GOAL 1: Leadership and Governance</b>	
<b>Desired Outcomes</b>	
We maintain and manage our assets sustainably	
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.	
1.6	<i>Maintain accountability by ensuring council decisions are evidence based and meet all legislative obligations.</i>

### Sustainable Murchison Community Plan 2040

<b>Community Future Direction Theme</b>	<b>Key Challenges &amp; Opportunities:</b>
<b>Natural resource management</b>	<b><i>Managing abundant, natural and productive resources</i></b> – Natural resource management is valued and development is environmentally sustainable. The environment is clean and healthy with unspoilt beauty and biodiversity.
<b>Health and Wellbeing</b>	<b><i>Maintaining good health and wellbeing</i></b> – Healthy communities, people taking responsibility for their wellness, convenient access to medical services and facilities.

## POLICY IMPLICATIONS

Council's Asset Management Policy is relevant in this matter. In this regard the future life cycle cost of replacement is mitigated by retreating from an area of known shoreline instability.

## FINANCIAL IMPLICATIONS

The estimated cost of restoring the affected footpath outside of the erosion affected area along with minor clean up and revegetation is \$35,600. This amount includes a 10% contingency allowance.

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Nominally \$10,000 of the \$35,600 relates to operational costs of clean up and revegetation, as such this would reduce the forecast budget surplus for 2018/19 by \$10,000.

### **RISK IMPLICATIONS**

As per the Shoreline Stability report noted by Council in December 2012, the location of the affected footpath is within the historical area of shoreline movement. Retreating from this zone for restoration of the footpath is recommended to mitigate the risk of future similar events damaging the footpath.

### **CONSULTATION PROCESS**

Council has reviewed past Coastal Engineering advice in regard to coming to the recommendation of this report.

### **COMMENT**

The Coastline surrounding Anzac Park has shown a large degree of movement as per the Shoreline Stability Somerset Coastal Engineer's report. To restore the footpath service in this area in a sustainable manner it is recommended that the infrastructure retreat from this area of known instability. Any future considerations around built structures to defend against erosion should be made with qualified advice to support (e.g.: rock wall).

In this regard it is recommended that the Council by an absolute majority:

1. Seek approval from Crown lands and Parks & Wildlife services to restore the damaged footpath in Anzac Park, Somerset outside of the area affected by coastal erosion, revegetate the area of erosion and not restore the concrete beach accesses.
  2. Amend the 2018/19 Annual Plan and Budget Estimates to include a new project – Anzac Park Foreshore repairs at a total cost of \$35,600.
1. Consider in future budgets and subject to qualified advice whether or not to intervene with built coastal erosion protection such as rock walls or sand bag walls

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MOVED BY	CR DUNIAM
SECONDED BY	CR EDWARDS

**That Council, by absolute majority:**

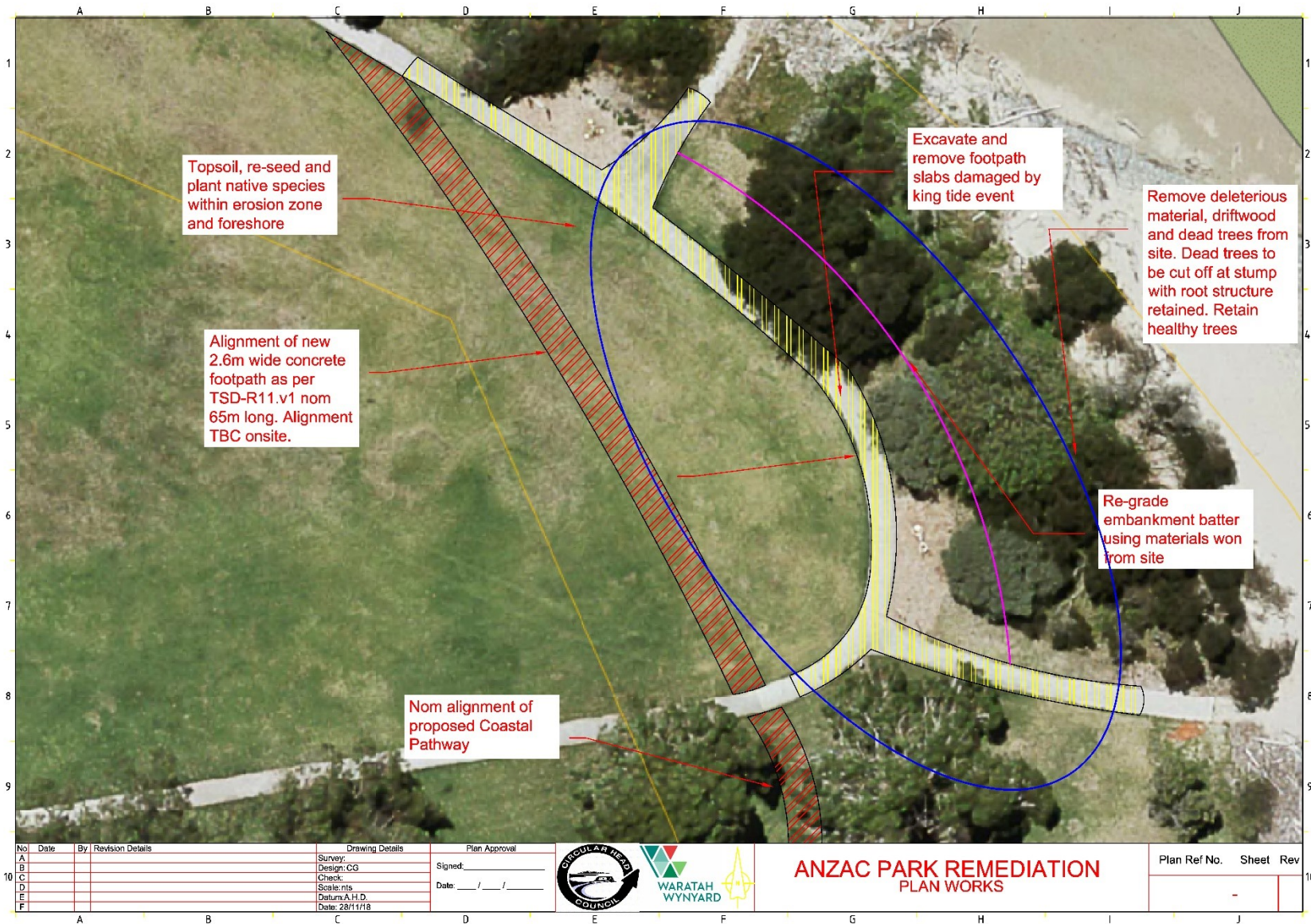
- 1. Seek approval from Crown Lands and Parks & Wildlife services to restore the damaged footpath in Anzac Park, Somerset outside of the area affected by coastal erosion, revegetate the area of erosion and not restore the concrete beach accesses;**
- 2. Note the estimated project costs of \$35,600 and amend the 2018/19 Annual Plan and Budget Estimates to include a new capital renewal project – Anzac Park Foreshore repairs for \$25,600 and additional operational expenditure of \$10,000; and**
- 3. Consider in future budgets, subject to qualified advice, whether or not to intervene with built coastal erosion protection such as rock walls or sand bag walls**

The MOTION was put and was CARRIED unanimously

IN FAVOUR

MAYOR WALSH	CR BRAMICH	CR COURTNEY	CR DUNIAM
CR EDWARDS	CR FAIRBROTHER	CR HOUSE	CR HYLAND





No	Date	By	Revision Details	Drawing Details	Plan Approval
A				Survey:	Signed:
B				Design: CG	Date: / /
C				Check:	
D				Scale: nts	
E				Datum: A.H.D.	
F				Date: 28/11/18	



**ANZAC PARK REMEDIATION**  
PLAN WORKS

Plan Ref No.	Sheet	Rev



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### 10.3 IRBY BOULEVARD, SISTERS BEACH – BEACH ACCESS REPAIRS

To: Council  
Reporting Officer: Director Infrastructure & Development Services  
Responsible Manager: Director Infrastructure & Development Services  
Report Date: 1 December 2018  
File Reference:  
Enclosures: **REFER ATTACHMENT D**  
Beach Access Infrastructure Review

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#### PURPOSE

To determine Council's forward approach for restoring the beach accesses in Irby Boulevard, Sisters Beach following Coastal erosion.

#### BACKGROUND

During July and August of 2018 severe king tides, wind and low-pressure systems resulted in erosion of the frontal dune north of Irby Boulevard, Sisters Beach as with many other locations on the Tasmanian coast line. The existing public beach accesses were affected by these weather events.

#### DETAILS

Following the king tide events Coastal Engineers have been engaged for advice on how best to restore the accesses. In order to restore any of the damaged accesses Council, if it chooses too, must first apply for permission from Parks & Wildlife services and Crown Land Services as the manager and owner of the foreshore reserve respectively.

On Tuesday 23 October, Council facilitated a consultation with stakeholders to find a clear direction for the erosion issues at Sisters Beach. Attendees were from: -

- Parks and Wildlife Services
- Crown Land Services
- Coastal Engineers (Water Tech consultancy)
- Sisters Beach Community Association
- Sisters Beach residents

Agreed actions included –

- Council to develop a plan for beach access.
- Council to liaise with the community regarding rehabilitation
- Council and Parks and Wildlife to develop and distribute a bulletin to update Sisters Beach residents

- 
- Parks and Wildlife staff will be contacting land owners with properties directly adjacent to Crown reserves to complete individual site assessments including discussions surrounding yard creep and vegetation removal on the coastal dune areas. This is expected to be completed by June 2019.

Following this consultation session, options have been firmed up and costed below for restoration of public beach access to compliment the revegetation work commitment from Parks & Wildlife Services.

The estimated cost of restoring the most severely affected beach accesses in accordance with coastal engineering principles are as follows: -

- Node 2 - 23/25 Irby Boulevard - \$51,750
- Node 3 – 33/35 Irby Boulevard - \$120,750
- Node 7 – 105/107 Irby Boulevard - \$49,350
- Node 9 – 133/135 Irby Boulevard - \$24,150
- Node 10 – 147/149 Irby Boulevard - \$31,050

These amounts include a 10% contingency allowance.



Nodes 1, 4, 5, 6 & 8 are able to be quickly restored within existing operational budget constraints subject to timely Parks and Crown Lands approval being gained.

Restoration of access to all other nodes will take time to procure design and construction tenders along with building permits and the required Parks & Crown lands approvals. This timeframe is likely to be up to 2-3 months.

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## STATUTORY IMPLICATIONS

### Statutory Requirements

Application to do works must be lodged with Crown Lands services and Parks and Wildlife and approval gained to do the recommended access renewal works.

In this regard the works will also require application to be made for a Building permit.

## STRATEGIC IMPLICATIONS

### Strategic Plan Reference

<b>GOAL 1: Leadership and Governance</b>	
<b>Desired Outcomes</b>	
We maintain and manage our assets sustainably	
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.	
1.6	<i>Maintain accountability by ensuring council decisions are evidence based and meet all legislative obligations.</i>

### Sustainable Murchison Community Plan 2040

<b>Community Future Direction Theme</b>	<b>Key Challenges &amp; Opportunities:</b>
<b>Natural resource management</b>	<i><b>Managing abundant, natural and productive resources</b> – Natural resource management is valued and development is environmentally sustainable. The environment is clean and healthy with unspoilt beauty and biodiversity.</i>
<b>Health and Wellbeing</b>	<i><b>Maintaining good health and wellbeing</b> – Healthy communities, people taking responsibility for their wellness, convenient access to medical services and facilities.</i>

## POLICY IMPLICATIONS

Council's Asset Management Policy is relevant in this matter. In this regard the future life cycle cost of replacement is mitigated by incorporating advice from qualified Coastal engineers for any replacement structures

## FINANCIAL IMPLICATIONS

The \$4,000 - \$5,000 minor works on nodes 1, 4, 5, 6 & 8 will be operational and can be managed within the existing operational budget based upon current year forecasts.

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Any expenditure upon restoring access with a built structure at nodes 2, 3, 7, 9 & 10 will be capitalised and result in an increase in the forecast depreciation for 2018/19 no greater than \$10,000 (this is the upper limit if all accesses are restored).

### **RISK IMPLICATIONS**

The location of the affected beach accesses is within an area of shoreline erosion. There is some risk of future similar events damaging the proposed restoration works however this is mitigated by following the Coastal Engineers advice.

### **CONSULTATION PROCESS**

Council has reviewed past Coastal Engineering advice in regard to coming to the recommendation of this report. In this regard footings for stair way structures should be below the lowest level that the shifting beach sand cycles to. Additionally, any stair treads within the area of tidal waters and wave action should be of grated material to ensure that wave uplift forces do not damage the structure.

### **COMMENT**

The dune north of Irby Boulevard, along with much of Tasmania's coastline has shown been recently affected by erosion. To restore public beach accesses in this location in a financially and environmentally sustainable manner any built structures should be provided in accordance with qualified coastal engineering advice and the total number of pre-existing accesses be considered for rationalisation.

In this regard it is recommended that Council by an absolute majority:

1. Seek approval from Crown lands and Parks & Wildlife services to restore the damaged beach accesses affected by coastal erosion at nodes 2 & 10.
2. Amend the 2018/19 Annual Plan and Budget Estimates to include a new project Sisters Beach – Beach Accesses \$83,050
3. Ensure nodes 3, 7 & 9 are adequately barricaded to prevent public access and meet Council's duty of care requirements.

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MOVED BY	CR HOUSE
SECONDED BY	CR DUNIAM

**That Council, by absolute majority:**

- 1. Seek approval from Crown Lands and Parks & Wildlife services to restore the damaged beach accesses affected by coastal erosion at nodes 2 and 10.**
- 2. Amend the 2018/19 Annual Plan and Budget Estimates to include a new capital renewal project - Sisters Beach – Beach Accesses for \$83,050**
- 3. Ensure nodes 3, 7 and 9 are adequately barricaded and signed to prevent public access and meet Council's duty of care requirements as an interim measure until such time as council undertake an appropriate review including costings and consultation with the affected community regarding the reinstatement and/or rationalisation of access in that area**

Cr Bramich left the chambers at 8.34pm

Cr Fairbrother moved a PROCEDURAL MOTION that the motion be PUT

The MOTION was put and was CARRIED unanimously

IN FAVOUR

MAYOR WALSH		CR COURTNEY	CR DUNIAM
CR EDWARDS	CR FAIRBROTHER	CR HOUSE	CR HYLAND

Cr Bramich returned to chambers at 8.36pm

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## 10.4 COUNCILLOR ALLOWANCES AND EXPENSES POLICY AND GUIDELINES

To: Council  
Reporting Officer: Executive Officer Governance & Performance  
Responsible Manager: General Manager  
Report Date: 29 November 2018  
File Reference:  
Enclosures: Councillor Allowances and Expenses Policy  
Councillor Allowances and Expenses Guidelines

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### PURPOSE

The purpose of this policy is to provide guidance on how the Waratah-Wynyard Council pays allowances and expenses for Councillors.

### BACKGROUND

The Council Allowances and Expenses Policy and associated Guidelines are a combination of a number of existing policies, consolidating multiple documents into one. The draft documents have been workshopped with Council on two occasions following the election.

It is considered good governance for Council to review these policies following each election.

### DETAILS

Outside of the statutory allowances for elected members, Council has the ability to set its own policy regarding reimbursement of reasonable expenses, provision of equipment and professional development.

The documents are self-explanatory and clearly articulate the resources and reimbursements available to Councillors.

During discussions, the only area of the guideline document that may require further revision is the Recognition of Councillor Service. The existing clause remains in the attached policy. Council may consider three options – leave the existing arrangements, remove the prescribed entitlement or phase out the current provisions.

Accordingly, alternate clauses may read:

#### Option 1

Council will formally recognise and acknowledge elected members following the completion of their time of service to Council through the provision of a token gift.

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In addition, Council may also present Councillors upon their retirement or resignation, with a certificate or plaque of appreciation in recognition of their service to council and the community.

### Option 2

Council will formally recognise and acknowledge elected members following the completion of their time of service to Council through the provision of a token gift.

In addition, Council may also present Councillors upon their retirement or resignation, with a certificate or plaque of appreciation in recognition of their service to council and the community.

As a transitional arrangement existing Councillors, returned to the role at the October 2018 elections, will have an amount paid to them of \$50 for each completed year of service as per previous policy, within the 2018/19 financial year.

## **STATUTORY IMPLICATIONS**

### Statutory Requirements

The Local Government (General) Regulations 2015 state:

#### **42. Allowances for elected members**

(1) *In this regulation –*

**current period** means a 12-month period commencing on 1 November in any calendar year after 2014;

**inflationary factor**, in respect of each calendar year, means the amount ascertained by dividing the Wage Price Index figure for the June quarter of that year by the Wage Price Index figure for the June quarter of the previous calendar year;

**June quarter**, in relation to a calendar year, means April, May and June of that year;

**previous period**, in respect of a current period, means the 12-month period immediately before the 1 November on which the current period commences.

(2) For the purposes of [sections 340A\(1\)](#) and [\(2\)](#) of the Act, the allowance for a councillor, or the additional allowance for a mayor or deputy mayor, is –

(a) for the 12-month period commencing on 1 November in 2014 – the allowance specified in [Schedule 4](#); and

(b) for a current period, the amount calculated by multiplying the allowance for the previous period by the inflationary factor for the calendar year in which the current period commences and rounding the resulting amount to the nearest whole dollar.

(2A) If a deputy mayor is appointed to act in the role of mayor for a period of 4 consecutive weeks or more, the deputy mayor is entitled to receive, for that period, the allowance payable to the mayor.

(3) The allowances referred to in this regulation are to be paid in monthly or fortnightly instalments.

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#### **43. Expenses for Councillors**

*A Councillor is entitled to be reimbursed for reasonable expenses in accordance with the policy adopted under [Schedule 5](#) to the Act in relation to –*

*(a) telephone rental, telephone calls and use of the internet; and*

*(b) travelling; and*

*(c) care of any person who is dependent on the Councillor and who requires the care while the Councillor is carrying out his or her duties or functions as a Councillor; and*

*(d) stationery and office supplies.*

### **STRATEGIC IMPLICATIONS**

#### Strategic Plan Reference

<b>GOAL 2: Organisational Support</b>	
<b>Desired Outcomes</b>	
We are a knowledgeable organisation—we demonstrate best practices in our business processes.	
2.2	Facilitate effective knowledge management practices.
2.3	Promote best practice and foster innovation.
2.4	Review and update systems and processes to ensure best practice and customer-centric outcomes.

### **POLICY IMPLICATIONS**

This policy is to be reviewed every two years.

### **FINANCIAL IMPLICATIONS**

The financial implications of these documents are determined by Councilors. Appropriate budget provision will be provided to accommodate the adopted position each financial year.

### **RISK IMPLICATIONS**

Guidelines have been developed to minimise the risks associated with payment of allowances and expenses and ensure consistency. The public may have a perception about what Councillors should receive as part of the role.



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## CONSULTATION PROCESS

A review of the policy and guidelines was conducted with Councillors during a workshop.

## COMMENT

It is recommended that the Councillor Allowances and Expenses Policy and the Councillor Allowances and Expenses Guidelines be adopted.

MOVED BY	
SECONDED BY	

## That Council

- 1. adopt the Councillor Allowances and Expenses Policy and the Councillor Allowances and Expenses Guidelines as attached, with immediate effect, including replacement of the recognition of Councillor Service clause to read: -**

**Council will formally recognise and acknowledge elected members following the completion of their time of service to Council through the provision of a token gift.**

**In addition, Council may also present Councillors upon their retirement or resignation, with a certificate or plaque of appreciation in recognition of their service to council and the community.**

The MOTION was put and was CARRIED

## IN FAVOUR

	CR BRAMICH		CR DUNIAM
CR EDWARDS		CR HOUSE	CR HYLAND

## AGAINST

MAYOR WALSH		CR COURTNEY	
	CR FAIRBROTHER		



## COUNCILLOR ALLOWANCES AND EXPENSES POLICY

### 1. SCOPE

The policy applies to all Councillors of the Waratah-Wynyard Council

### 2. PURPOSE

This policy allows for the formality of payment of Councillor expenses and allowances to be determined by Council and to ensure that there is transparency in relation to claiming and payment of expenses, allowances and attendances at professional development conferences and seminars.

The objective of this policy is to provide a clear framework regarding Councillors entitlements to:

- a. Travel allowances and reimbursement of expenses incurred whilst carrying out their duties as an elected member.
- b. The reimbursement of expenses incurred, or those which may be incurred by, and the provision of facilities to the Mayor and other Councillors in relation to discharging their function as civic representatives.
- c. Clarify the nature and extent of Council supported professional development afforded to Councillors when attending Conferences and Seminars.

### 3. POLICY

A Councillor is entitled to be reimbursed for reasonable expenses in relation to both prescribed expenses and any other expense the Council deems appropriate including the following items:

- Travelling expenses
- Meal allowances
- IT consumables and telephone rental
- Internet access and downloads
- Insurance
- Councillors prescribed allowance
- Care of any person who is dependent on the Councillor and who required care while the Councillor was carrying out their duties.

All activities will be carried out in accordance with the adopted **Councillor Allowances and Expenses Guidelines**.

### 4. LEGISLATION

*Local Government Act 1993*  
*Local Government (General) Regulations 2015*

### 5. RELATED DOCUMENTS

XXX Councillor Allowances and Expenses Guidelines

DOC NO: XXXX	VERSION NO: X	APPROVAL DATE: XX
CONTROLLER: General Manager	APPROVED BY: - COUNCIL	REVIEW DATE: XX



## COUNCILLOR ALLOWANCES AND EXPENSE GUIDELINES

### Introduction

These guidelines aim to provide a clear framework around Councillor entitlement to expense reimbursement, allowances, attendance at seminars and conferences and other matters relating to the execution of a Councillors duties in accordance with the *Local Government Act 1993*.

### Councillors Allowance

In accordance with section 340A of the *Local Government Act 1993* the General Manager is obliged to pay Councillors the prescribed allowances. The Act states:

- A Councillor is entitled to prescribed allowances;
- A Mayor and Deputy Mayor are entitled to prescribed allowances in addition to any allowances referred to in subsection (1);
- A Councillor, Mayor or Deputy Mayor may decide not to receive part or all of an allowance;
- A decision under subsection (3) is to be by written notice to the General Manager of the relevant Council.

The Council is required to pay allowances in accordance with regulation 42 of the *Local Government (General) Regulations 2015*. The annual allowance cannot exceed such amounts and is indexed each year.

The Council has not elected to be recognised as an 'eligible local governing body', and therefore the allowances payable is not considered to be payment of a salary or wage. Determination of disclosure(s) for taxation purposes are a private matter for each individual Councillor.

### Travelling Expenses

The Council will pay/reimburse a Councillor for necessary out-of-pocket expenses incurred for travelling from his/her place of residence to discharge their functions as a Councillor in respect of the following:

- Attendance at formal meetings of Council, Councillor Workshops or a meeting of any Committee to which the Councillor has been appointed as a representative of Council, or for any other meeting where the Councillor has been delegated or authorised by Council to attend;
- inspections or business within the Council area, provided such inspection/s are undertaken in accordance with a resolution/s of the Council that the Councillor is authorised to attend;
- attendance at any seminar/conference in compliance with a resolution of Council, or as authorised by the Mayor and General Manager;
- Attendance as Council's representative by invitation, to a meeting of a local community organisation. This provision does not include public events that the Councillor attends as a community member.

DOC NO: XXXX	VERSION NO: X	APPROVAL DATE: XX
CONTROLLER: General Manager	APPROVED BY: - COUNCIL	REVIEW DATE: XX



## COUNCILLOR ALLOWANCES AND EXPENSE GUIDELINES

The payment/reimbursement of travel expenses will be based on kilometres travelled (or the most direct route whichever is lower) and paid at the rate as set by ATO.

A Councillor shall not be entitled to be reimbursed for travel or other expenses where the expense would otherwise have been incurred as a result of private business.

Where Councillors attend an event by invitation a copy of the invitation will be required for Council's records.

### Meal Allowance

Meals will be provided when attending meetings of Council or Councillor Workshops when the timing of such meetings require this provision.

For attendance upon inspections or upon business of Council, out-of-pocket expenses will be reimbursed upon presentation of a claim for payment, with a tax invoice/receipt attached.

When attending conferences or seminars council will pay reasonable out of pocket expenses for meals upon presentation of a claim for payment, with a tax invoice/receipt attached. If a meal package is supplied as part of conference costs, those meals cannot be claimed as expense where the Councillor chooses to dine elsewhere.

### Provision of Electronic Device

Councillors will be provided with a tablet on a designated data plan, for the receipt of emails, documents and information.

Each Councillor will be supplied with a council email address which will remain active during the Councillors term of office.

Retiring or departing Councillors may make application to the General Manager to purchase the tablet at the current valuation price. The tablet will be cleared of all confidential information prior to being given to departing Councillors.

All information on the tablet must be treated with confidentiality and remains the property of Council.

### Information Management

Council records are our corporate memory, providing evidence of actions and decisions and representing a vital asset to support our daily functions and operations. Records support policy formulation, decision-making and protect the interests of Waratah Wynyard Council.

State legislation and Australian Standards have been adopted as a requirement and code of best practice for the management of information and records within the council.

Councillor emails and documents are considered part of Council's information. Documents provided to Councillors for the purposes of making decisions are considered the property of council and should not be shared unless the information is deemed for public access.

<b>DOC NO: XXXX</b>	<b>VERSION NO: X</b>	<b>APPROVAL DATE: XX</b>
<b>CONTROLLER: General Manager</b>	<b>APPROVED BY: - COUNCIL</b>	<b>REVIEW DATE: XX</b>



## COUNCILLOR ALLOWANCES AND EXPENSE GUIDELINES

### IT Consumables and Telephone Rental

Council will provide to Councillors an annual payment of \$1000 to cover out of pocket IT consumables and telephone rental. This will be paid monthly along with the Councillor Allowance.

The Mayor may be provided with a mobile phone for use on Council related business.

### Internet access and downloads

Councillors will be provided with a data plan for their tablet paid for by Council.

### Insurance

Council will provide the following insurance cover for the Mayor, Deputy Mayor and Councillors:

- Group Personal Accident - on the lives of Councillors & their accompanying spouses/partners whilst undertaking travel on Council activity.
- Councillors (Directors) Liability - against loss arising from claim(s) made against them during the period of insurance by reason of any wrongful act committed or alleged to have been committed by them in their capacity as Councillor.
- Corporate Travel - Provided in connection with a journey that must include overnight accommodation or travel to a destination more than 50 kilometres.
- Motor Vehicle - Vehicles owned by Councillors whilst being used on the business of the Council.

### Mayoral Motor Vehicle

Council determines to make available a motor vehicle for use by the Mayor. The Mayor can use this vehicle for any purpose within the municipal area and for Council business outside of the municipal area. The vehicle is to be garaged at the Mayor's residence.

Other Councillors with the consent of the Mayor can arrange to use the vehicle if required to attend meetings/seminars/functions on behalf of the Council. Arrangements for the use of the vehicle are to be made with the Mayor.

DOC NO: XXXX	VERSION NO: X	APPROVAL DATE: XX
CONTROLLER: General Manager	APPROVED BY: - COUNCIL	REVIEW DATE: XX



## COUNCILLOR ALLOWANCES AND EXPENSE GUIDELINES

### Professional Development and Conference/Seminar Attendance

#### General

Council acknowledges an ongoing commitment to training and development will assist in the fulfilment of duties and responsibilities for Councillors.

Council will provide an annual budget allocation for Councillors for professional development purposes. Determination of attendance at any conferences and seminars should acknowledge equity for each Councillor to attend relevant conferences and seminars over their four-year term.

#### Eligible Events

Priority is to be given to professional development opportunities organised by local government affiliated entities, for example:

- The Local Government Association of Tasmania (LGAT)
- Australian Local Government Association (ALGA)
- Municipal Association of Victoria (MAV)

Council supports the practice of the Mayor and Deputy Mayor plus two other Councillors attending the LGAT Annual Conference.

#### Approval Process

Determination of attendance shall be by Council resolution.

#### Conference/Seminar Expenses

Council will cover the following expenses:

- Travel
  - Reimbursement of fuel costs as per ATO guidelines and criteria set in these guidelines;
  - The cost of taxi or other transit fares to and from conference venues, hotels or other approved places;
  - For interstate travel, required flights for the delegate (business or first-class tickets will not be eligible);
  - Where delegates desire to travel interstate by private motor vehicle, they will be reimbursed for actual receipted accommodation costs and vehicle costs (in accordance with the current Australian Taxation Office (ATO) rates) up to and including an amount equivalent to that which would have been expended had arrangements been made to travel by air.
- Accommodation
  - Accommodation costs for delegates for the duration of the conference, including allowing delegates to arrive the day prior to, and depart the day after, the conference where the start and finish times do not allow reasonable travel times on the day.
  - Delegates are generally expected to stay at the conference venue unless that facility is fully booked or alternative accommodation can be used at no additional (or significantly less) cost to Council.

DOC NO: XXXX	VERSION NO: X	APPROVAL DATE: XX
CONTROLLER: General Manager	APPROVED BY: - COUNCIL	REVIEW DATE: XX



## COUNCILLOR ALLOWANCES AND EXPENSE GUIDELINES

- In the event that a delegate wishes to extend their visit for personal reasons not associated with approved Council business, any extended stay is to be at the cost of the delegate
- Registration
  - The registration fee of the delegate is payable in full by Council.
- Incidental Expenses
  - An amount up to the maximum ATO applicable rates for food and drink will be reimbursed upon receipt of tax receipts.
  - Meals will not usually be recognised where meals are provided as part of the conference or seminar program.

### Care of Children or Other Dependants Expenses

Council will reimburse a Councillor for necessary, reasonable child care expenses when attending Council meetings, workshops and Council attended events and attending to Council business.

Where a licensed provider is used, payment will be made net of any government subsidy. No fees will be paid for care by a person who normally lives with the Councillor or is a member of the Councillors family.

Any claim for reimbursement must include a tax invoice/receipt which details: -

- Name, address and contact number of the provider
- Date and time of services, including number of hours.
- The hourly rate paid; and
- Details of the council event/business attended should be noted on the invoice.

### Partners Costs

Where additional costs are incurred for Councillors partners to attend functions, dinners, events or similar, these costs will be at the expense of the Councillor. For practicality in booking arrangements this may be undertaken by deduction from councillor's allowance or separate invoice to Councillors.

### Reporting

The total expenses claimed by each Councillor are reported in the Annual Report and periodically throughout the year as part of the Council agenda. The total expenditure report will include expenses claimed in accordance with these guidelines.

### Claims for Expenses

The following general guidelines will apply when claiming expense payments: -

- Payment of expenses will be in arrears unless approval is given by the General Manager for payment in advance in extenuating circumstances.
- Claims for any travelling expenses and reimbursement of out of pocket expenses incurred in accordance with these Guidelines should be made within one month from date incurred.
- To claim out of packet expenses a Tax invoice/receipt **must** be provided, which includes date, time and GST.

DOC NO: XXXX	VERSION NO: X	APPROVAL DATE: XX
CONTROLLER: General Manager	APPROVED BY: - COUNCIL	REVIEW DATE: XX



## COUNCILLOR ALLOWANCES AND EXPENSE GUIDELINES

- Where a question arises as to whether a claim for reimbursement of expenses is ineligible under these Guidelines, or the claim appears unreasonable or does not serve the interests of Council, the General Manager should refer the matter to the Council for decision and policy guidance.
- The General Manager should endeavor to refer the matter without disclosing the identity of the individual who submitted the claim.

### Recognition of Councillor Service

Council will formally recognise and acknowledge elected members following the completion of their time of service to Council through the provision of a gift based on a minimum of \$50 plus \$50 for each additional year of completed service.

In addition, Council may also present Councillors upon their retirement or resignation, with a certificate of appreciation in recognition of their service to council and the community.

### Breaches of Policy or Guidelines

All Council officials are obliged to comply with these guidelines and sanctions may be applied if breached.

Any person may report an alleged breach of the Policy by an official of the Council to the General Manager or Mayor as appropriate who is to investigate any report received and take such action as is considered necessary.

DOC NO: XXXX	VERSION NO: X	APPROVAL DATE: XX
CONTROLLER: General Manager	APPROVED BY: - COUNCIL	REVIEW DATE: XX



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## 10.5 COMMUNICATION ADDRESSED TO MAYOR AND COUNCILLORS POLICY

To:	Council
Reporting Officer:	Executive Officer Governance & Performance
Responsible Manager:	General Manager
Report Date:	29 November 2018
File Reference:	
Enclosures:	Correspondence Addressed to Mayor and Councillors Policy

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### PURPOSE

The purpose of this policy is to provide guidance on how the Waratah-Wynyard Council manages correspondence received which is addressed to Mayor and Councillors.

### BACKGROUND

This Policy was previously adopted in 2011.

### DETAILS

A review of this policy has been conducted following the recent council election to ensure the Policy reflects the requirements of Council.

### STATUTORY IMPLICATIONS

#### Statutory Requirements

There are no statutory implications as a result of this Policy

### STRATEGIC IMPLICATIONS

#### Strategic Plan Reference

<b>GOAL 2: Organisational Support</b>	
<b>Desired Outcomes</b>	
We are a knowledgeable organisation—we demonstrate best practices in our business processes.	
2.2	Facilitate effective knowledge management practices.
2.3	Promote best practice and foster innovation.
2.4	Review and update systems and processes to ensure best practice and customer-centric outcomes.

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## **POLICY IMPLICATIONS**

This policy is to be reviewed every four years or within 3 months of a Local Government Election.

## **FINANCIAL IMPLICATIONS**

There are no financial impacts as a result of this policy.

## **RISK IMPLICATIONS**

There are no new risk implications as a result of this policy.

## **CONSULTATION PROCESS**

A review of the existing policy was conducted with Councillors and Executive Managers.

## **COMMENT**

It is recommended that the Correspondence Addressed to Mayor and Councillors be adopted.

MOVED BY	CR HYLAND
SECONDED BY	CR DUNIAM

**That Council adopt the Correspondence Addressed to Mayor and Councillors Policy as attached with immediate effect**

The MOTION was put and was CARRIED

### **IN FAVOUR**

MAYOR WALSH	CR BRAMICH		CR DUNIAM
CR EDWARDS		CR HOUSE	CR HYLAND

### **AGAINST**

		CR COURTNEY	
	CR FAIRBROTHER		



**CORRESPONDENCE ADDRESSED TO MAYOR AND COUNCILLORS**

1.0 SCOPE

- 1.1 This Policy applies to all items of correspondence addressed to the Mayor and/or Councillors.

2.0 PURPOSE

- 2.1 This Policy sets the guidelines for correspondence addressed to the Mayor and/or Councillors.
- 2.2 The objective of this Policy is to ensure that all items of correspondence that are addressed to the attention of the Mayor and/or Councillors are treated in a consistent and professional manner

3.0 POLICY STATEMENT

- 3.1 All incoming correspondence addressed to the 'Mayor and/or Councillors' is to be dealt with in the following manner:
  - i. Recorded in Councils Information Management System.
  - ii. Referred to Mayor who determines next course of action by doing one or more of the following:
    - a. Direct to the General Manager or appropriate Executive Manager where:
      - Correspondence is from a State or Federal body and requires comment and/or action by Council officers.
      - The correspondence relates to an operational matter.
    - b. Put on Councillor Workshop agenda.
    - c. Reply to correspondent directly.
    - d. Take no action if correspondence is unwarranted or unsolicited
- 3.2 All correspondence addressed to the "Mayor and Councillors" will be placed on a correspondence register on the Councillor Intranet.
- 3.3 Information placed on the correspondence register is to be considered confidential and for information only. It is not to prompt involvement in matters raised.
- 3.4 The correspondence register will be managed to ensure current information is present with older documentation being archived as required.

4.0 Legislative Requirements

None applicable.

4.0 Related Documents

None applicable

DOC NO: GOV.003	VERSION NO: 3	APPROVAL DATE: 17/09/2012
CONTROLLER: General Manager	APPROVED BY: - COUNCIL/GM	REVIEW DATE: November 2013

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## 10.6 TASWATER ANNUAL REPORT 2017-18 REPORTS

To: Council  
Reporting Officer: General Manager  
Responsible Manager: General Manager  
Report Date: 29 November 2018  
File Reference:  
Enclosures: **REFER ATTACHMENT E**  
TasWater 2017-18 Annual Report

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### PURPOSE

The TasWater 2017-18 Annual Report is provided for information.

### BACKGROUND

It is a requirement that TasWater provide Councils with a copy of their Annual Report each year for information.

### DETAILS

As required under section 25 of the *Water and Sewerage Corporation Act 2012*, TasWater's Annual Report for the financial year ending 30 June 2018 has been provided for information.

### STATUTORY IMPLICATIONS

#### Statutory Requirements

TasWater to supply copy of Annual Report to Councils as required under section 25 of the *Water and Sewerage Corporation Act 2012*,

### STRATEGIC IMPLICATIONS

#### Strategic Plan Reference

<b>GOAL 1: Leadership and Governance</b>	
<b>Desired Outcomes</b>	
We maintain and manage our assets sustainably.	
1.4	Facilitate the meeting of community needs through strong advocacy and local and regional collaboration for shared outcomes.

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## Sustainable Murchison Community Plan 2040

<b>Community Future Direction Theme</b>	<b>Key Challenges &amp; Opportunities</b>
<b>Access and infrastructure</b>	<i>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.</i>

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

There are no new financial impacts as a result of this report.

### **RISK IMPLICATIONS**

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

### **CONSULTATION PROCESS**

Not required.

### **COMMENT**

It is recommended that the TasWater 2017/18 Annual Report be noted.

MOVED BY	CR DUNIAM
SECONDED BY	CR HOUSE

### **That Council note the TasWater 2017-18 Annual Report.**

The MOTION was put and was CARRIED unanimously

### **IN FAVOUR**

MAYOR WALSH	CR BRAMICH	CR COURTNEY	CR DUNIAM
CR EDWARDS	CR FAIRBROTHER	CR HOUSE	CR HYLAND

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## 10.7 FINANCIAL REPORT FOR THE PERIOD ENDED 30 NOVEMBER 2018

To:	Waratah-Wynyard Council
Reporting Officer:	Accountant
Responsible Manager:	Manager Financial Services
Report Date:	4 <sup>th</sup> December 2018
File Reference:	100.10
Enclosures:	Financial Summary Underlying Position Cash Position Rate Summary Capital Works Summary

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### PURPOSE

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

### BACKGROUND

The financial reports presented incorporate:

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

### DETAILS

Council has reported a comprehensive year-to-date surplus of \$6,411,359 which is \$16,301 lower than expected.

#### **Financial Summary**

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

#### **Underlying Position Statement**

The underlying position statement shows the outcome of Council's usual day to day operations. As at the 31 October the actual YTD underlying surplus is \$6,762,983.

#### **Rate Summary**

The rate summary provides an indication of outstanding rate debtors, the amount collected and the rates in credit. At the end of the period there were \$1,631,385 unpaid rates and charges.

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### **Cash Position**

As at 31 October 2018 WWC held cash of \$14,815,289, all cash investments comply with Council's Investment Policy (FIN 004).

### **Capital Works Summary**

The capital works summary provides a snapshot of the percentage of expenditure against the 2018/19 capital works program. Timing of expenditure is based on the works plan.

### **STATUTORY IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

#### Strategic Plan Reference

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

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

No significant financial implications have been identified.

### **RISK IMPLICATIONS**

No significant risk implications have been identified.

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## CONSULTATION PROCESS

Nil

## COMMENT

It is therefore recommended that the Council notes the Financial Reports for the period ended 30 November 2018.

MOVED BY	CR BRAMICH
SECONDED BY	CR DUNIAM

**That the Council notes Financial Reports for the period ended 30 November 2018.**

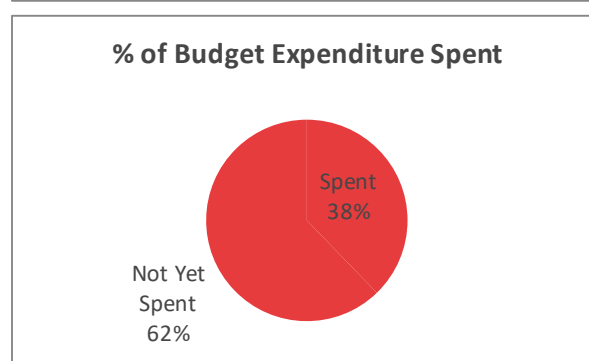
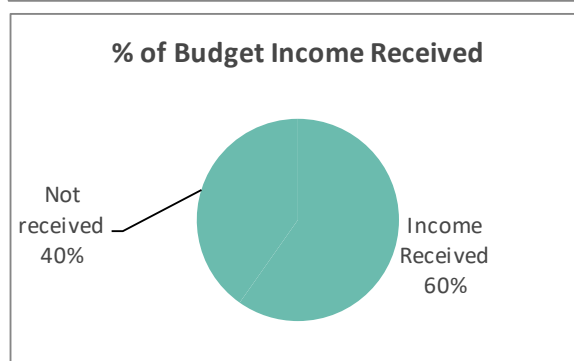
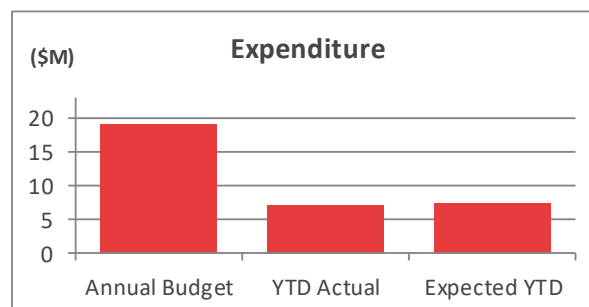
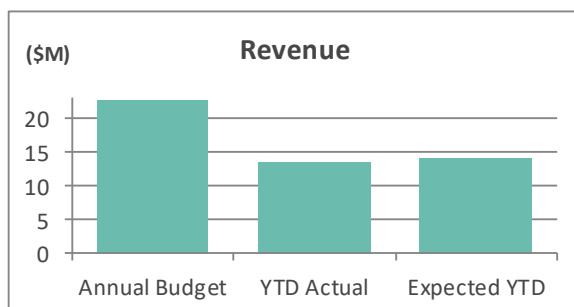
The MOTION was put and was CARRIED unanimously

IN FAVOUR

MAYOR WALSH	CR BRAMICH	CR COURTNEY	CR DUNIAM
CR EDWARDS	CR FAIRBROTHER	CR HOUSE	CR HYLAND



FINANCIAL SUMMARY As at 30 November 2018	BUDGET ANNUAL	ACTUAL YTD	BUDGET YTD	ACTUAL YTD % of BUDGET	Note
<b>REVENUE (incl capital grants)</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>%</b>	
Corporate Governance	50,739	13,599	12,685	26.80	
Strategic & Financial Services	11,154,307	9,254,502	9,356,628	82.97	
Corporate & Community Services	2,012,654	879,917	795,998	43.72	
Infrastructure & Development Services	9,565,643	3,467,998	4,023,404	36.25	
	<b>22,783,343</b>	<b>13,616,016</b>	<b>14,188,715</b>	<b>59.76</b>	
<b>EXPENDITURE</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>%</b>	
Corporate Governance	1,205,115	462,113	520,705	38.35	
Strategic & Financial Services	1,695,644	790,191	607,590	46.60	
Corporate & Community Services	3,495,588	1,391,226	1,442,413	39.80	
Infrastructure & Development Services	12,682,079	4,561,127	4,833,280	35.97	
	<b>19,078,426</b>	<b>7,204,657</b>	<b>7,403,988</b>	<b>37.76</b>	
Less Advance Payment of FAGs	(1,406,496)	0	(351,624)		
<b>NET RESULT</b>	<b>2,298,421</b>	<b>6,411,359</b>	<b>6,433,103</b>		



UNDERLYING POSITION STATEMENT For the month ending 30 November 2018	BUDGET ANNUAL	ACTUAL YTD	BUDGET YTD	Note
<b>INCOME</b>	\$	\$	\$	
Rate Revenue	11,099,094	11,157,135	10,987,986	
User Charges	2,461,944	1,054,644	1,048,539	
Reimbursements/Contributions	739,931	259,341	216,998	
Grants and subsidies	3,821,689	1,209,996	1,485,614	
Interest	275,010	144,647	134,755	
Proceeds from Sale	189,500	0	0	
Other	576,000	141,877	80,000	
	<b>19,163,168</b>	<b>13,967,640</b>	<b>13,953,892</b>	
<b>EXPENDITURE</b>	\$	\$	\$	
Employee Costs	6,838,564	2,486,480	2,854,067	
State Levies	533,493	131,716	140,265	
Remissions & Discounts	397,384	394,619	389,588	
Materials & Contracts	6,954,530	2,513,009	2,339,540	
Depreciation	3,986,635	1,662,498	1,659,909	
Borrowing Costs	65,340	16,335	16,329	
Value of sold/write off of assets	302,480	0	4,290	
	<b>19,078,426</b>	<b>7,204,657</b>	<b>7,403,988</b>	
<b>UNDERLYING SURPLUS(DEFICIT)</b>	<b>84,742</b>	<b>6,762,983</b>	<b>6,549,904</b>	

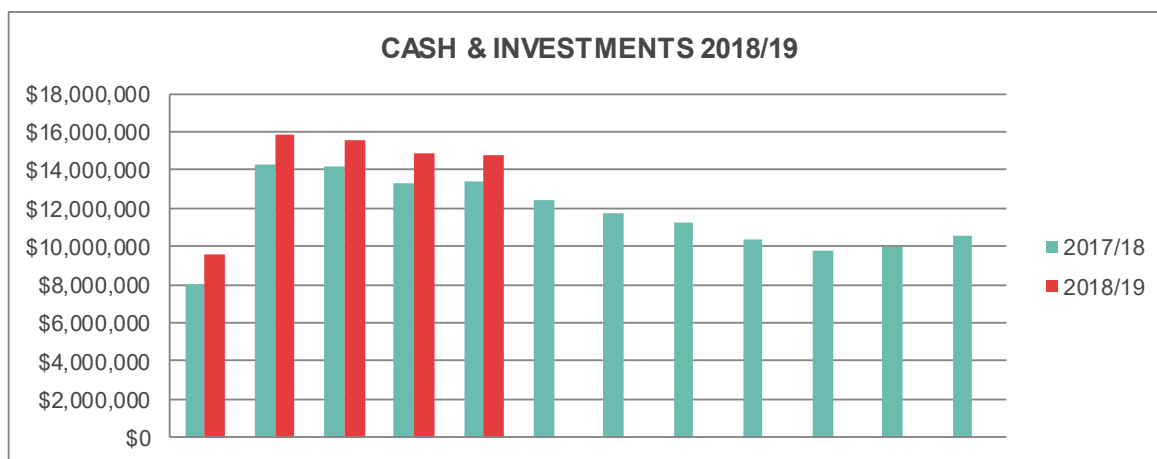
*The intent of the underlying result is to show the outcome of Council's usual day to day operations. This indicator is required to be included in Council's Financial Statements in accordance with Local Government Act 1993 (Tas) Section 84(2)(db).*

RECONCILIATION TO COMPREHENSIVE RESULT			
Capital Grants/Contributions	3,620,175	0	234,823
Advance Payment of FAGs Grant	(1,406,496)	(351,624)	(351,624)
<b>COMPREHENSIVE SURPLUS/(DEFICIT)</b>	<b>2,298,421</b>	<b>6,411,359</b>	<b>6,433,103</b>

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

RATE SUMMARY For the period 1 July 2018 to 30 November 2018	2018/19		2017/18	
	%	\$	%	\$
<i>Notice Issue Date - 26 July 2018</i>				
OUTSTANDING RATE DEBTORS (As at 1 July 2018)	3.90	452,217	4.04	459,917
ADD CURRENT RATES AND CHARGES LEVIED (including penalties)	96.10	11,157,135	95.96	10,921,840
GROSS RATES AND CHARGES DEMANDED	100.00	11,609,352	100.00	11,381,757
LESS RATES AND CHARGES COLLECTED	79.63	9,244,044	79.10	9,002,442
REMISSIONS AND DISCOUNTS**	8.33	966,701	8.44	960,847
	87.95	10,210,745	87.54	9,963,289
ADD PROPERTIES IN CREDIT	(2.01)	232,778	(1.83)	208,417
UNPAID RATES AND CHARGES (includes Deferred Rates)	14.05	1,631,385	14.29	1,626,885
<b>**REMISSIONS AND DISCOUNTS</b>		<b>2018/19</b>		<b>2017/18</b>
Discount		388,502		386,305
Pensioner Rebates		571,999		565,597
Council Remissions and Abandements		6,200		8,945
		<u>966,701</u>		<u>960,847</u>

CASH POSITION As at 30 November 2018	\$	INVESTMENTS	\$	Weighted Average Return
Deposits	14,400,000	Commonwealth Bank	412,869	1.25%
		Bankwest	14,400,000	2.64%
Petty Cash and Till Floats	2,420	Petty Cash and Till Floats	2,420	
Trading Account	412,869			
<b>BALANCE (ALL ACCOUNTS)</b>	<u>14,815,289</u>		<u>14,815,289</u>	2.60%


































Number of properties	RBA Cash Rate*	1.500
	90 Day BBSWs Rate**	1.950

\*source: [www.rba.gov.au](http://www.rba.gov.au) as at 30 November 2018

\*\*source: <https://www.asx.com.au/data/benchmarks/bbsw-10-day-rolling-history.pdf> as at 30 November 2018

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

CAPITAL WORKS SUMMARY As at 30 November 2018	Notes	Budget \$	% Spend of Budget	Actual \$
<b>GOVERNANCE</b>				
Wynyard Wharf Entrance Augmentation		445,649	2% 	9,417
New Board Walk and Seawall Renewal		739,678	5% 	35,237
General		251,586	79% 	199,374
		<b>1,436,913</b>	14% 	<b>199,374</b>
<b>STRATEGIC &amp; FINANCIAL SERVICES</b>				
		<b>225,000</b>	0%	0
<b>CORPORATE SERVICES</b>				
		<b>45,000</b>	15% 	6,849
<b>COMMUNITY SERVICES</b>				
SES		10,600	84% 	8,875
Children's Services		70,000	1% 	664
Tourism		47,000	86% 	40,531
General		60,365	20% 	11,915
		<b>187,965</b>	33% 	<b>61,985</b>
<b>ENGINEERING SERVICES</b>				
Depot		136,244	41% 	55,210
Plant		644,210	46% 	295,019
		<b>780,454</b>	45% 	<b>350,229</b>
<b>WASTE MANAGEMENT</b>				
		<b>25,000</b>	0%	0
<b>PUBLIC CONVENIENCES</b>				
		<b>15,000</b>	0%	0
<b>TRANSPORT</b>				
Re-Sheeting		1,072,173	20% 	210,454
Reseals - Rural		529,930	7% 	36,273
Reseals - Urban		235,550	4% 	9,015
Footpaths		84,500	7% 	6,232
Coastal Pathway		3,714,440	2% 	86,880
Wynyard CADP & Car Park Development		426,449	73% 	310,019
Bridges		441,764	70% 	308,829
General		515,199	7% 	37,394
		<b>7,020,005</b>	14% 	<b>1,005,096</b>
<b>SPORTING FACILITIES</b>				
Wynyard		535,500	0%	0
Somerset		49,800	84% 	41,675
		<b>585,300</b>	7% 	<b>41,675</b>
<b>PARKS &amp; GARDENS</b>				
Wynyard		1,296,500	6% 	71,443
Somerset		150,000	0%	0
General		50,000	5% 	2,387
		<b>1,496,500</b>	5% 	<b>73,830</b>
<b>STORMWATER DRAINAGE</b>				
Stormwater Pipe Replacements/Upgrades		117,600	12% 	13,995
General		52,826	4% 	2,254
		<b>170,426</b>	10% 	<b>16,249</b>
<b>TOTAL CAPITAL WORKS PROGRAM 2018/19</b>				
		<b>11,987,563</b>	15% 	<b>1,799,941</b>

100%

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## 10.8 SENIOR MANAGEMENT REPORT

To: Council  
Reporting Officer: General Manager  
Responsible Manager: General Manager  
Report Date: 28 November 2018  
File Reference: 009.02  
Enclosures:

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### SUMMARY/PURPOSE

To provide information on issues of significance, matters of interest; 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 since the previous Council meeting -**13 November to 30 November 2018**. It also provides information on issues of significance or interest, statistical information and summaries of specific areas of operations

#### **Corporate**

- Commenced a resource sharing arrangement with Burnie City Council to progress actions from the Sustainable Murchison Plan
- Met with the Chief Executive Officer of Dulverton Waste Management who provided a briefing on the organisations activities

#### **Community**

- Met with community members from Sisters Beach who tabled a Roadside Vegetation Management Plan for Sisters Beach Road for consideration of Council officers
- Met with representatives of the Wynyard Yacht Club who tabled a discussion paper in relation to the operations and construction of a proposed new facility
- Participated in the Walking Wynyard event

#### **Industry**

- Attended the Cradle Coast Authority Annual General Meeting and Representatives Meeting. The minutes of this meeting will be provided to Council as a separate report
- Attended the TasWater General Meeting. Discussion included.....

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## Other

- Conducted an induction program for a Councillor who was unable to attend the group forum

## INFRASTRUCTURE AND DEVELOPMENT SERVICES

### Major Road Closures Approved under Delegation

#### Targa North West 2019

The following roads will be closed for Targa North West:

Saturday 16 February 2019 - 12:44pm – 17:14pm

- a) Oldina Road – between Timothy Drive and Johnsons Road
- b) Johnsons Road – between Oldina Road and Mount Hicks Road

Sunday 17 February 2019 - 8:13am – 12:43pm

- c) Calder Road – between Zig Zag Road and Kellatier Road
- d) Kellatier Road - between Calder Road and Lowries Road
- e) Lowries Road - between Kellatier Road and Oldina Road

#### Lions Club of Wynyard Annual Christmas Parade

The following roads will be closed Monday 24<sup>th</sup> December 2018:

Goldie St—from Saunders St to Moore St:	4:30pm – 8:30pm
Austin St—from Jenner St to Goldie St:	5:00pm - 8:00pm
Jenner St—from Austin St to Saunders St:	6.30pm – 8:00pm
Inglis Street—from Church St to Saunders St:	6:30pm – 8:00pm
Dodgin St—from Moore St to Jackson St:	6:30pm – 8:00pm
Jackson St—from Dodgin St to Little Goldie St:	6:30pm – 8:00pm
Little Goldie St—from Jackson St to Hogg St:	6:30pm – 8:00pm
Hogg St—Dodgin St to Goldie St roundabout:	6:30pm – 8:00pm
Moore St—from Goldie St to Dodgin St:	6:30pm - 8:30pm

## POLICIES TO BE RESCINDED

The following Policies are to be rescinded: -

1. **GOV.003 – Recognition of Councillor Service Policy** – this policy has been incorporated into the Draft Councillor Allowances and Expenses Policy and Draft Guidelines and is no longer required.

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2. **GOV-018 – Portable Electronic Devices for Elected Members Policy** - this policy has been incorporated into the Draft Councillor Allowances and Expenses Policy and Draft Guidelines and is no longer required.

MOVED BY	CR HYLAND
SECONDED BY	CR DUNIAM

**That Council: -**

1. **Note the monthly Senior Management Report; and**
2. **Rescind the following polices:**
  1. **GOV.003 – Recognition of Councillor Service Policy; and**
  2. **GOV-018 – Portable Electronic Devices for Elected Members Policy**

The MOTION was put and was CARRIED unanimously

IN FAVOUR

MAYOR WALSH	CR BRAMICH	CR COURTNEY	CR DUNIAM
CR EDWARDS	CR FAIRBROTHER	CR HOUSE	CR HYLAND



### 10.8.1 PLANNING PERMITS APPROVED UNDER DELEGATION – NOVEMBER 2018

DA No.	Applicants Name	Location	Development	Date Permit Issued	No of Days to Process	(D)Discretionary (P)Permitted
6/2018	K Smith	9 Old Bass highway Wynyard	Replacement Outbuilding	12.11.2018	42	D
107/2018	Abel Drafting Services	17145 Bass Highway Boat Harbour	Construction of Shed	13.11.2018	40	D
110/2018	R Banks – BCS Building Consultancy Services	89 Bass Highway Somerset	Replacement of Portable Office	13.11.2018	39	D
114/2018	Robin Hill Pty Ltd	241 Robin Hill Road Flowerdale	Bird Aviary	16.11.2018	28	P
84/2018 & SD 2059	PLA Designs	209-211 Murchison Highway Somerset	Dwelling, Outbuilding & Subdivision (2 into 3 lots)	20.11.2018	42	D
111/2018	Department of Education	30A Beaufort Street Somerset	Construction of car parking	21.11.2018	42	D
115/2018	PLA Designs	121 Little Village Lane Somerset	Dwelling & Outbuilding	22.11.2018	37	D
117/2018	J & N Beddow	112 Irby Boulevard Sisters Beach	Outbuilding	27.11.2018	31	D
119/2018	Taylor Made Homes	135 Lennah Drive Wynyard	Dwelling & Outbuilding	28.11.2018	27	D

### 10.8.2 BUILDING PERMITS APPROVED – NOVEMBER 2018

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

Permit Number	Applicants Name	Location	Development	Date Permit Issued	No of Days to Process	Related Planning Approval
PSC-2018-6-01	Angela Wilson	47 Saunders Street Wynyard	Dwelling Addition	08.11.2018	6	NPR
2018-96-01	R & R Burr	29 Alberts Road Somerset	Dwelling & Shed including the temporary use of the shed as a dwelling	8.11.2018	2	DA 58/2018
PSC-2018-7-01	E Sargent & C Wilson	25 Park Street Wynyard	Dwelling Extension	8.11.2018	1	NPR
2018-115-01	A Porter & M Gillam	502 Murchison Highway Somerset	Dwelling Addition	14.11.2018	1	DA 150/2017
2018-117-01	N Brandsema	491A Back Cam Road Somerset	Dwelling & Shed	15.11.2018	1	DA 78/2018
2018-121-01	Own-A-Home	26A Lennah Drive Wynyard	Dwelling & Shed	16.11.2018	1	DA 87/2018

### 10.8.3 OPEN ACTION LIST –PREVIOUS COUNCIL MEETINGS - Summary of Matters Requiring Action

Meeting Date	Item #	Topic	Action/Status	Officer	Status	Date Closed
19-Feb-18	10.1	<p>ROC – Proposed East Wynyard Foreshore Masterplan - Motion Carried</p> <p>Adopt the Draft East Wynyard Foreshore masterplan;</p> <ul style="list-style-type: none"> <li>• Consider implementation of the proposed playground and landscaping elements for the 2018/19 budget;</li> <li>• Consider rationalising the existing 4 local playground sites, 2 at the East Wynyard Foreshore, 1 at 9 Martin Street and 1 at 25 Lockett Street in order to fund the proposed district level playground; and</li> <li>• Remain flexible in the implementation of the East Wynyard Foreshore masterplan as it assesses cost and benefits in consultation with the community and users into the future</li> </ul>		DIDS	Not yet commenced	
19/3/18	5.3.1	<p>QON – K Ewington – Transfer Station Opening Hours. Asked if Council could explain how it determined that 10.00am to 4.00pm were best hours of operation for Transfer Station to meet ratepayer needs. He asked if council could consider longer hours for those who work e.g. extend hours during day light savings, opening hours on the weekend, open on public holidays.</p>	<p>15/8/18 - A waste management services review will commence in September, concluding in April 2019. This query will be addressed during this project</p>	DIDS	Ongoing	
21/5/18	5.3.2	<p>QON – K Ewington – Transfer Station Safety Audit. Asked when Council would do a safety audit to address unsafe work practices and ensure the safety of community. He asked for a response to be provided in writing.</p>	<p>27/11/18 - Agreement has been received with the Bowls Club President to consider parking changes during the 19/20 budget process (approximately \$5,000). Council officers are working on a cost-effective solution to improve lighting for 19/20 budget consideration (approximately \$10,000)</p>	DIDS	Complete	27/11/18

Meeting Date	Item #	Topic	Action/Status	Officer	Status	Date Closed
20/8/18	8.3.2	CQWN – Cr Bradley - asked if line marking was going to be completed at Reservoir Drive as it was currently very dangerous at night.	The query has been lodged with DSG, no response has been received to date. <i>26/11/18 - DSG have stated not intent to do further works</i>	DIDS	Complete	26/11/18
20/8/18	9.1	Motion – Acknowledgement of Indigenous Peoples at commencement of Council Meeting	Acknowledgement of Indigenous Peoples has been included in the draft Health and Wellbeing Plan	GM	Complete	19/11/18
17/9/18	8.1.3	RTCQON Cr Bramich – Bass Highway Junctions	Follow-up action- Cr Bramich asked if any feedback had been received from State Growth regarding feedback from residents following their receipt of letters regarding the road works.  <i>Information has been received from DSG and included within report on Wilkinson Street in December agenda</i>	GM	Complete	28/11/18
17/9/18	9.1	NOM – Cr Fairbrother – Storm Events CARRIED	That council devise a plan of action with roles, responsibilities and time milestones for the restoration of accesses, repair damage and clean-up of debris from storm events at Somerset, Sisters Beach and Wynyard beaches, and, that the information, once compiled, be provided to councillors and that the work to be undertaken is completed as a matter of priority.  <i>Item addressed in this agenda (10/12/18)</i>	DIDS	Complete	3/12/18
17/9/18	9.2	NOM – Cr Fairbrother –Notification of Events CARRIED	That Councillors be made aware in advance of council/local government related events that may be in the public interest and or in the interest of Councillors.  Council officers are exploring options regarding events listings. In the meantime, the intranet site and email is used to inform councillors of events	GM	Ongoing	
17/9/18	9.4	NOM – Cr Fairbrother –Waratah Dam	PROCEDURAL MOTION CARRIED - That matter lay on the table until further information is obtained to deal with the matter  <i>Facilitation, advocacy and negotiations with TasWater and interested stakeholders continues. More detail on the release of reports and next expression of interest process is expected soon</i>	GM	Ongoing	

Meeting Date	Item #	Topic	Action/Status	Officer	Status	Date Closed
17/9/18	10.1	Freedom Camping	<p>The following motions were carried:</p> <ol style="list-style-type: none"> <li>1. That Council note the information relating to Freedom Camping; and agree to develop a Freedom Camping Strategy document. <i>30/11/18 - Development of Freedom Camping Strategy has commenced with David Hammond</i></li> <li>2. That Council proceed with necessary planning for establishment of a site for Freedom Camping at Sisters Beach. <i>29/11/18 - Presentation provided at the November 12 Council workshop on the initial development of this project. The Freedom Camping strategy will inform the operational delivery of the site. A report will come to Council on the cost of establishing the site</i></li> <li>3. That Council determine that a designated Freedom Camping site will not be provided for in Somerset or Yolla.</li> <li>4. That Council Explore low cost camping opportunities at Waratah through the existing caravan park or creation of an overflow area.</li> <li>5. That Council <ol style="list-style-type: none"> <li>a) Continue to offer Freedom Camping at the Wynyard Showgrounds until such time that feasibility studies can be completed on Lions Park or any other possible location within the Wynyard area; and</li> <li>b) That council liaise with the Show Society to lodge a planning application to amend the use of showgrounds to allow self-contained caravans.</li> </ol> </li> </ol>	EMT	Ongoing	

Meeting Date	Item #	Topic	Action/Status	Officer	Status	Date Closed
			<p>6. That Council DEFER THE MOTION of trailing freedom camping at BHB until a postal survey is conducted by council and that council instructs staff to undertake this survey requesting a yes or no response from the rate payers of the BHB community regarding their opinion on Freedom Camping in their beach side resort. <i>29/11/18 - Postal survey has been completed and presentation provided to Council at the workshop on Nov 12 on the results and considerations for further actions. The Boat Harbour Area Plan will determine the site for regulated sites and the Freedom Camping Strategy will inform the operational management of the site.</i></p> <p>7. That statutory planning approval be sought for all areas where freedom camping might be located.</p>			
17/9/18	10.6	Renewal of Crown Lease – Waratah Falls	<p>Motion Carried <i>29/11/18 - Application has been made to the Crown to renew the lease area over the Waratah Falls</i></p>	DCE	Ongoing	
15/10/18	10.1	Establishment of Wynyard Youth Centre – 7UP Wynyard	<p>Motion Carried <i>29/11/18 - The MOU has been signed and work has commenced to establish the 7UP youth centre at the Wynyard Community Centre. Initial building modifications have been completed</i></p>	DCE	Ongoing	
19/11/18	5.3.1	PQWN – Ken Ewington – Disability Bay at Post Office	<p>When will changes be made to disability bay at post office to improve visibility and reduce trips and falls. <i>3/12/18 - Tactile pavers were ordered following concerns raised by Mr Ewington and installed on Monday 3 December</i></p>	DIDS	Complete	3/12/18
19/11/18	8.3.1	CQWN – Cr Edwards – ANZAC park pathway	<p>Cr Edwards asked when the ANZAC Park pathway would be fixed and how will community to be notified.  <i>Item addressed in this agenda (10/12/18)</i></p>	DIDS	Complete	3/12/18

Meeting Date	Item #	Topic	Action/Status	Officer	Status	Date Closed
19/11/18	8.3.2	CQWN – Cr Hyland – Storm water drains	Cr Hyland asked if a check had been completed on Storm Water Drains in new subdivision.  <i>3/12/18 - The drains have been checked and are functional, the developer has been contacted regarding some silt cleanout as a precaution.</i>	DIDS	Complete	26/11/18
19/11/18	8.3.3	CQWN – Cr Hyland – Calder Road Sewage Issue	Cr Hyland asked if there was an update on Calder Rd sewage matter previously raised.  <i>30/11/18 - The property has been inspected by Council's plumbing and Compliance officer and some overflow of treated water has been detected (this has been confirmed to not be raw sewage). The landowners have been contacted with a requirement to reshape the land around the device to ensure overflow does not continue and have since contacted Council to advise of the installation of low water use devices.</i>	DIDS	Complete	30/11/18
19/11/18	8.3.4	CQWN – Cr Fairbrother – Southern Cross Homes Legal Decision	Cr Fairbrother asked if the decision regarding waiver of rates for Southern Cross Homes recently would have any impact on this Council.  Information is included in the December Council agenda as response to this query	GM	Closed	28/11/18
19/11/18	9.1	Motion – Cr Fairbrother – Coast to Coast Section – Advocate Newspaper	Motion Passed  The Mayor raised the matter at the CCA Representatives Meeting and it received support. As a result, a motion was moved to invite the Editor of the newspaper to a meeting with the representatives.	GM	Ongoing	
19/11/18	9.2	Motion – Cr Fairbrother – Sisters Beach Access	Motion Passed Works completed	DIDS	Closed	23/11/18
19/11/18	9.5	Cr Fairbrother – Councillor Recognition	Motion Passed	GM	Closed	28/11/18

Meeting Date	Item #	Topic	Action/Status	Officer	Status	Date Closed
			Cr Fairbrother asked that all policies be put on Intranet and be advised when review is to occur.  Policies have been placed on the Intranet in their current status.			
19/11/18	9.6	Motion – Cr Fairbrother – Mayors Activities	Motion Passed  A standing item has been added to the Councillor Workshop agenda to provide an update on activities and meetings	GM	Closed	21/11/18
19/11/18	10.4	Freedom Camping Boat Harbour	Motion Passed <i>Cr House asked that the implementation plan address traffic management and waste management matters.</i>  <i>Cr Duniam asked that full review and considerations of the use of amenities be included.</i>  <i>Cr House asked that the Open Space, Sport and Recreation Plan be updated to include changes once the Strategy is completed.</i>	DCE		
	10.7	Waratah Board Meeting	Motion Passed Cr Fairbrother asked if councillors could attend next board meeting on 15 December and meet the board.  30/11/18 - The matter was discussed at the workshop held on 26 November and considered best to integrate this meeting with a capital works tour sometime in the new year	DCE/ GM	Ongoing	

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**ADMINISTRATION - USE OF CORPORATE SEAL**

13/11/18	Application for Transfer of Lease or License	Transfer Mining Lease 7M/1999
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**11.0 MATTERS PROPOSED FOR CONSIDERATION IN CLOSED MEETING**

Legislative Reference:

*Local Government (Meeting Procedures) Regulations 2015; Regulation 15*

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

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

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

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

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

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

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

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:-**

<b>Matter</b>	<b>Local Government (Meeting Procedures) Regulations 2015 Reference</b>
<i>Confidential Report R15 (2) – Confirmation of Closed Minutes of Previous Meeting</i>	15 (2)
<i>Confidential Report R15 (2) - Issues Raised By Councillors</i>	15 (2)
<i>Confidential Report R15 (2) - Councillor Questions Received In Writing</i>	15 (2)
<i>Confidential Report R15 (2) - Response(s) To Councillor Questions Received In Writing</i>	15 (2)
<i>Confidential Report R15 (2) - Response(s) To Councillor Questions Taken On Notice From Previous Meeting</i>	15 (2)
<i>Confidential Report R15 (2) - Councillor Questions Without Notice</i>	15 (2)
<i>Confidential Report R15 (2) - Notices Of Motion</i>	15 (2)
<i>Confidential Report R15 (2)(h) - Leave Of Absence Request - Councillors</i>	15 (2)(h)
<i>Confidential Report R15 (2) (f) proposals for the council to acquire land or an interest in the land or for the disposal of land;</i>	R15 (2) (f)
<i>Confidential Report R15 (2)– Closed Senior Management Report</i>	15 (2)

The MOTION was put and was CARRIED unanimously

IN FAVOUR

MAYOR WALSH	CR BRAMICH	CR COURTNEY	CR DUNIAM
CR EDWARDS	CR FAIRBROTHER	CR HOUSE	CR HYLAND

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**12.0 CLOSURE OF MEETING TO THE PUBLIC**

Legislative Reference:

*Local Government (Meeting Procedures) Regulations 2015; Regulation 15*

MOVED BY	CR DUNIAM
SECONDED BY	CR HOUSE

**That the Council RESOLVES BY AN ABSOLUTE MAJORITY to go into Closed Meeting to consider the following matters, the time being 9.02PM:-**

<b>Matter</b>	<b>Local Government (Meeting Procedures) Regulations 2015 Reference</b>
<i>Confidential Report R15 (2) – Confirmation of Closed Minutes of Previous Meeting</i>	15 (2)
<i>Confidential Report R15 (2) - Issues Raised By Councillors</i>	15 (2)
<i>Confidential Report R15 (2) - Councillor Questions Received In Writing</i>	15 (2)
<i>Confidential Report R15 (2) - Response(s) To Councillor Questions Received In Writing</i>	15 (2)
<i>Confidential Report R15 (2) - Response(s) To Councillor Questions Taken On Notice From Previous Meeting</i>	15 (2)
<i>Confidential Report R15 (2) - Councillor Questions Without Notice</i>	15 (2)
<i>Confidential Report R15 (2) - Notices Of Motion</i>	15 (2)
<i>Confidential Report R15 (2)(h) - Leave Of Absence Request - Councillors</i>	15 (2)(h)
<i>Confidential Report R15 (2) (f) proposals for the council to acquire land or an interest in the land or for the disposal of land;</i>	R15 (2) (f)
<i>Confidential Report R15 (2)– Closed Senior Management Report</i>	15 (2)

The MOTION was put and was CARRIED unanimously

IN FAVOUR

MAYOR WALSH	CR BRAMICH	CR COURTNEY	CR DUNIAM
CR EDWARDS	CR FAIRBROTHER	CR HOUSE	CR HYLAND

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**13.0 RESUMPTION OF OPEN MEETING**

At 9.52PM the Open Meeting was resumed.

**14.0 PUBLIC RELEASE ANNOUNCEMENT**

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

Min. No.	Subject	Decisions/Documents
Nil		

THERE BEING NO FURTHER BUSINESS THE CHAIRPERSON DECLARED THE MEETING CLOSED AT 9.52pm.

Confirmed,

MAYOR  
21 January 2019