



**ORDINARY MEETING
OF COUNCIL**

**MINUTES
OPEN MEETING**

20 September 2021

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

MINUTES OF AN ORDINARY MEETING OF THE WARATAH-WYNYARD COUNCIL TO BE HELD AT THE COUNCIL CHAMBERS, 21 SAUNDERS STREET, WYNYARD ON MONDAY 20 SEPTEMBER 2021, COMMENCING AT 6.05PM

	From	To	Time Occupied
Open Council	6:05pm	6:25pm	20 mins
Planning Authority	6:25pm	6:52pm	27 mins
Open Council	6:52pm	7:42pm	50 mins
Closed Council	7:42pm	7:47pm	5 mins
Open Council	7:47pm	7:47pm	0 mins
TOTAL TIME OCCUPIED			102 mins

AUDIO RECORDING OF COUNCIL MEETINGS POLICY

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

ACKNOWLEDGEMENT OF COUNTRY

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

1.0 RECORD OF ATTENDANCE

1.1 ATTENDANCE

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

IN ATTENDANCE

Shane Crawford - General Manager
Daniel Summers - Director Infrastructure and Development Services
Tracey Bradley - Director Community and Engagement
Samantha Searle - Director Organisational Performance
Rebecca Plapp - Town Planner
Roseanne Titcombe - Executive Officer

1.2 APOLOGIES

Nil received.

1.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil received.

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

MOVED BY	CR DUNIAM
SECONDED BY	CR HYLAND

That the Minutes of the Ordinary Meeting of the Waratah-Wynyard Council held at Council Chambers, 21 Saunders Street, Wynyard on Monday 16 August 2021, a copy of which having previously been circulated to Councillors prior to the meeting, be confirmed as a true record.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

3.0 DECLARATIONS OF INTEREST

Councillor and Agenda Item Number

CR BRADLEY – ITEM 6.3 – Manager's Residence, Outbuilding and Associated Works (Clearing) located at 191 Sisters Beach Road, Boat Harbour - DA 21/2021

Staff and Agenda Item Number

Nil

4.0 COUNCILLORS ANNOUNCEMENTS AND REPORT

4.1 ANNOUNCEMENTS BY MAYOR

Nil received.

4.2 MAYOR'S COMMUNICATIONS

9/8/21	Photo – Support for Braveheart White Balloon Day
9/8/21	Probus Club 30 th Anniversary Function
9/8/21	Councillor Workshop
10/8/21	Meeting with Minister Roger Jaensch
10/8/21	Meeting with General Manager
16/8/21	Council Meeting
17/8/21	Meeting with General Manager
17/8/21	Radio Interview – 7BU
18/8/21	Film Mayors Message – Recycling
18/8/21	Vietnam Veterans Day Somerset
18/8/21	Citizenship Ceremony
19/8/21	Southern Bulbs Flowerdale – Business Visit
20/8/21	Photo Shoot Raglan Street
20/8/21	Radio Interview – Tasmania Talks
23/8/21	Councillor Workshop
24/8/21	Audit Panel Meeting
25/8/21	Meeting with General Manager
26/8/21	Media/Photo – Chris Symonds
30/8/21	Councillor Workshop
31/8/21	Meeting with General Manager
1/9/21	OAM Presentation Ceremony
7/9/21	Meeting with General Manager
7/9/21	CCA Representatives Meeting
7/9/21	Meeting with Constituent
8/9/21	Meeting to Discuss General Managers Performance Review Process
10/9/21	Radio Interview – Tasmania Talks
11/9/21	Opening BMX State Championships

MOVED BY	CR DUNIAM
SECONDED BY	CR BRAMICH

That Council note the Acting Mayors and Mayors Communications

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

4.3 REPORTS BY DELEGATES

Nil received.

4.4 NOTIFICATION OF COUNCIL WORKSHOPS

MOVED BY	CR COURTNEY
SECONDED BY	CR EDWARDS

That Council note the following Councillor Workshops

23/8/21	Signage Strategy and Guidelines Mobile Food Van Guidelines Major Projects Update
30/8/21	Developing a Bioenergy Vision Waratah 150 Year Celebration Event
13/9/21	IT Strategy Fossil Bluff Masterplan Consultation Feedback Cardigan Street Recreation Ground

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

5.0 PUBLIC QUESTIONS AND STATEMENTS

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

Nil received.

5.2 PUBLIC QUESTIONS RECEIVED IN WRITING

5.2.1 JOHN POWELL - BISCHOFF DAM WALL

QUESTION

The Bischoff Dam wall is Heritage listed. The access - Old Dam Road - had a sign stating, "access limited to five tonne". This sign has been removed, graders have remodelled the surface and large trucks (12 tonne?) carrying road material have been seen traversing the wall. Why has this happened, for what purpose, and who is responsible if the wall collapses?

OFFICERS RESPONSE

Council workers were approached onsite at old Dam Road by a member of the community on Tuesday 4 May 2021 with concerns around the load limit on the current dam structure. Council workers were in the midst of undertaking gravel resheeting works on Old Dam Road but had not yet run gravel trucks in the area. Gravel resheeting is periodically undertaken on all Council gravel roads to provide a driving surface and help spread the loads imposed by passing traffic so that the underlying subgrade (native ground) does not fail, causing ruts, prematurely.

Council immediately halted works to investigate and found no record of any load limit, or ownership of the dam wall and associated tail race structure, however, took a cautious approach and didn't drive gravel trucks over the area.

Following this complaint Council were also notified by Heritage Tasmania of a complaint received from a member of the community with the same concern around load limits. At that time Heritage Tasmania had no knowledge of load limiting of this structure or concerns of damage from Council road maintenance. Council officers committed to follow up investigations of the load limit concerns which to date are: -

- Consultation with past Council staff – no knowledge of load limiting on Old Dam Road but discussion from community members that there was a quarry on the other side of the dam that 4-6 cubic metre trucks would cart from under load limit as a condition of the extraction licence.
- Consultation with Mineral Resources Tasmania (MRT) in regard to any load limit associated with quarrying activity – no knowledge from MRT or record of any quarry on Old Dam road near the Bischoff Reservoir. The only record for this area held by MRT is a water right including the dam and tail race which was cancelled on 1 April 1993 with no mention of load limits.
- Consultation with Department of State Growth – no knowledge of any load limit on this road.

To date, since receiving the concern from community members Old Dam Road load limits to protect the dam structure no evidence has been unearthed to legitimise the need for load limits, however, as per Council's immediate action, no heavy vehicles have passed over this area as a precaution.

Council has contacted its third-party bridge and structure consultant to inspect the tailrace structure when next undertaking the six-monthly bridge and structures condition assessment and provide an opinion on the requirement for load limiting or not (this will occur in late December/early January).

If indeed Council does determine on evidence from this inspection round that a load limit is required over the section of Old Dam Road that traverses the Bischoff Dam wall it has legislative power under the *Local Government (Highways) Act 1982* section 41 which it can enact such a limit: -

41. Prohibition of traffic likely to cause damage to highways

- (1) *In this section, authorized officer, in relation to a consent or report given for the purposes of this section, means an officer of the corporation authorized either generally or in a particular case to give a consent or report under this section.*
- (2) *Where it appears to the corporation, on a report by its engineer or an authorized officer of the corporation, that traffic or traffic of a particular kind, is likely, during a particular period, to injure seriously a highway under local management, it may, in accordance with this section, prohibit the use of the highway during that period by that traffic without the written consent of the corporation or of an authorized officer of the corporation.*
- (3) *Where it appears to the corporation, on a report by its engineer or an authorized officer of the corporation, that traffic of a particular kind is likely to injure seriously a highway under local management and that, without using that highway, there is a reasonably convenient alternative route for that traffic, the corporation may, in accordance with this section, prohibit the use of that highway by traffic of that kind without the written consent of the corporation or of an authorized officer of the corporation.*
- (4) *At least 7 days before imposing a prohibition under this section the corporation shall, except in an emergency, publish notice of the prohibition, indicating its effect, in a local newspaper circulating in the locality in which the highway is situated and may otherwise advertise the prohibition in such manner as it thinks fit.*
- (5) *Where a corporation imposes a prohibition under this section, it shall cause notice of the prohibition to be posted conspicuously on or near to the highway to which it relates.*
- (6) *A person who uses a highway, or causes a highway to be used, contrary to a prohibition under this section is guilty of an offence and is liable on summary conviction to a fine not exceeding 5 penalty units.*
- (7) *It is a defence to a complaint for an offence under subsection (6) that the corporation failed to comply with subsection (5).*

5.3 PUBLIC QUESTIONS WITHOUT NOTICE

5.3.1 MR C HUTCHISON - UNPAID RATES

Mr Hutchison of Preolenna queried what was the outcome of the August 2021 deadline for properties listed by Council with unpaid rates, were these properties listed for sale or auction or otherwise, can Council please provide the public with documentation of this process.

The Director of Organisational Performance responded that Council has commenced the statutory process to dispose of property to recover rates and charges outstanding. There are approximately 30 properties that have been through the statutory process. There were about 97 in total and eligible for sale. The first round has been through a statutory process and will be listed over the coming weeks for an online auction for sale. Council will advertise through the real estate when they are ready to go up for auction. It is likely that the auctions will be staggered and not come up all at once.

5.3.2 MR C HUTCHISON - PUBLIC CAMPING

Mr Hutchison of Preolenna noted that it has been two years since public camping was banned on the Boat Harbour Beach foreshore area. He was hoping that Council would create an alternative option for both locals and travellers. He was informed that at a Council meeting that public camping would be made available at the Myalla Community Centre. Whilst it is not a perfect solution it is a solution. Is this still the case? By what date will this commence? Are there any existing barriers to this commencing?

The Director of Community and Engagement responded that Council is still working with the Myalla Community Centre. A number of visits have been held on onsite to ascertain the best location for where public camping could occur. Council have been able to attract some external funding to be able to help with the establishment. Council are working through some planning considerations and identification on how the site will be operated.

5.3.3 MR B NEAL - COUNTRY ROADS

Mr Neal of Yolla queried when is a road determined for trees to be pruned off the side of the road. He noted that there are trees close to the road and heavy vehicles have had to drive on the wrong side of the road to avoid hitting the trees.

Mr Neal also asked questions in relation to Yard Road. The definition of a 10c road is for farming and forestry vehicles. It is said that when a two wheel drive vehicle cannot pass the road will be repaired. He queried how a 50 tonne truck fits this description. Is Yard Road fit and safe for use for heavy vehicles with a weight limit up to 50 tonne?

The Director Infrastructure and Development Services responded as to the trigger for maintenance for a two wheel drive vehicle or semi-trailer. The two wheel drive trigger was initially set in Council's service level to mean a standard vehicle to pass through. Equally if a farm vehicle was not able to pass, similar maintenance would apply. He also stated that he was aware that the road was being traversed by semi-trailers and has been built to that standard.

The General Manager responded in relation to Johnsons and Oldina Roads and noted that both of those have been inspected and that a contractor has been engaged to prune those trees accordingly. He understood that work would be undertaken in the next few weeks

5.4 PUBLIC STATEMENTS RECEIVED IN WRITING

Nil received.

5.5 PUBLIC STATEMENTS WITHOUT NOTICE

5.5.1 MR C HUTCHISON - COUNCILLOR MOTIONS, PUBLIC CAMPING AND TENDER

Mr Hutchison of Preolenna made a statement regarding motions passed by Councillors. He outlined the number of motions Councillors had passed between November 2018 to September 2021. He questioned councillors on what fresh or new ideas could be raised during the last year of their term prior to elections.

Mr Hutchison further stated that in relation to public camping he had suggested a number of times that the Oldina Reserve picnic area would be a potential suitable place should Council decide to pursue that camping area and that just like East Wynyard, Cam River, Somerset ANZAC Park that have Masterplans, the Oldina Reserve area needs a Masterplan and bringing campers potentially to that site would potentially dissuade or push away potential vandals.

Mr Hutchison made a statement in relation to the All Abilities Playground at Somerset and noted that only one tender had been received for well over \$1 million dollars over the budget Council has set. He believes the concept design for the area needs to be scaled back and Council could spend some of the money allocated to this project to the Oldina Masterplan.

5.5.2 MR V RUFFLES - ANZAC PARK

Mr Ruffles of Burnie on behalf of the Fairy Godmothers, made a statement regarding the proposed ANZAC Park design. He stated that he believes that equipment chosen could be better and believes it does not have enough inclusive equipment.

He believes if the playground is built the way currently designed, that Fairy Godmothers will be blamed for poor design.

Mr Ruffles wants the group to have ability to have input/influence in the tender process and what will be purchased to ensure there is more equipment, inclusive of everyone.

6.0 PLANNING AUTHORITY ITEMS

PLANNING AUTHORITY OPENED AT 6.25PM

6.1 PUBLIC QUESTIONS WITHOUT NOTICE – RELATING TO PLANNING MATTERS






Nil received.

6.2 PUBLIC STATEMENTS - RELATING TO PLANNING MATTERS

Nil received.

6.3 **MANAGER'S RESIDENCE, OUTBUILDING AND ASSOCIATED WORKS (CLEARING) LOCATED AT 191 SISTERS BEACH ROAD, BOAT HARBOUR - DA 21/2021**

To: Council
Reporting Officer: Manager Development and Regulatory Services
Responsible Officer: Director Infrastructure and Development Services
Report Date: 8 September 2021
File Reference: 7096199
Supporting Documents:

1. Proposal Documentation 
2. Response from Conservation Assessment Section of DPIPWE 5 May 2021 
3. Response from Conservation Assessment Section of DPIPWE 12 May 2021 
4. Representation - PWS 
5. Representation - Macrae and Berryman 

CR BRADLEY LEFT THE MEETING AT 6:27PM.

PURPOSE

The purpose of this report is for Council to consider the merits of the application DA 21/2021 against the requirements of the *Waratah-Wynyard Interim Planning Scheme 2013* (Planning Scheme).

BACKGROUND

The subject site (CT 107898/1) is located at 191 Sisters Beach Road, Boat Harbour and has an area of 192.9ha. It is located to the east of Rocky Cape National Park and is accessed from Sisters Beach Road.

The site is currently used for a mix of natural and cultural values management, visitor accommodation and as a venue for functions. The western portion of the site is subject to a permanent conservation covenant. The north-eastern portion of the site contains a function centre venue and 'glamping' campground.

It is noted that the site previously had approximately 4ha of land cleared, predominantly in the immediate vicinity of the function centre and campground area. An additional 1.2ha of native vegetation was cleared within the last 18 months without the appropriate approvals. This was confirmed during a site inspection undertaken by Council's Compliance Officer on 23 July 2020. A map showing the location of the cleared area was included on the natural values report submitted with this application. A copy of this map as well as site photos taken by Council's Compliance Officer are shown below in Figures 1 – 3.

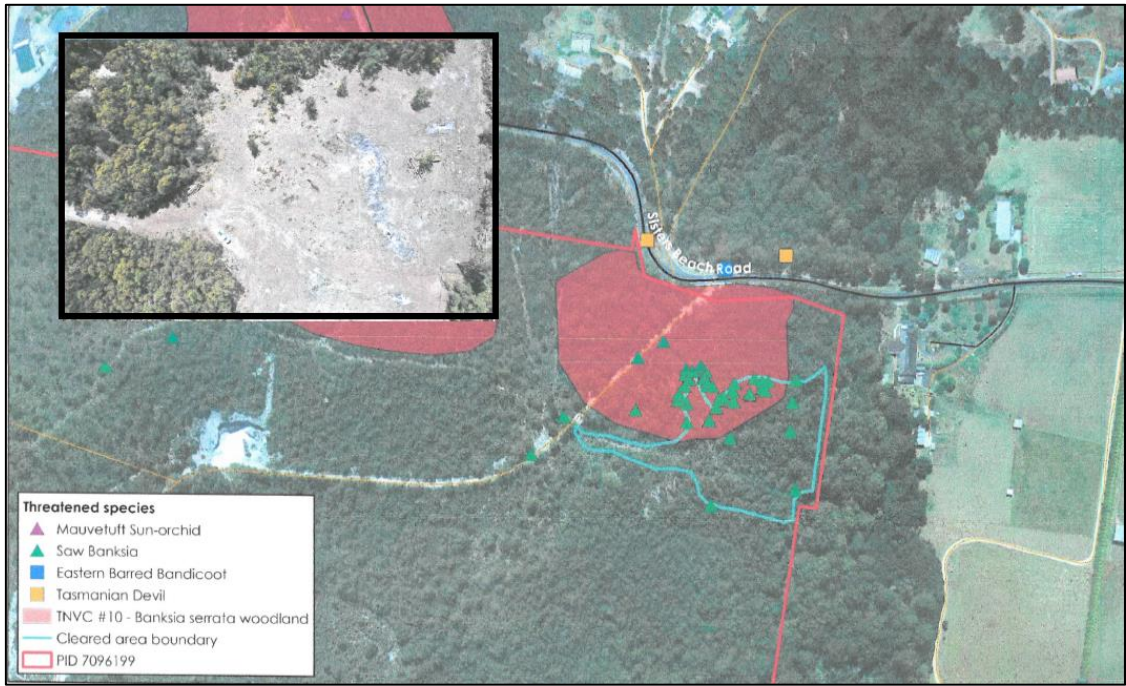


Figure 1: Location of cleared area



Figure 2: Cleared area looking north-east



Figure 3: Cleared area looking south

The clearing was referred to DPIPWE and the Forest Practices Authority for investigation, as they have jurisdiction for instances involving threatened species or clearing over 1ha in area. Such compliance processes are outside of the planning approvals process. Council referred the matter on 20 August 2020 and provided copies of the evidence gathered by Council officers.

DPIPWE later confirmed with Council that no compliance action was taken on this matter, as they had not taken action within their statutory legislated timeframe of 6 months from the time of the clearing occurring.

The site is zoned Rural Resource along with land to the south and east, with land to the west zoned Environmental Management and land to the north zoned Rural Living. A locality plan identifying the subject property is provided in Figure 4 below.

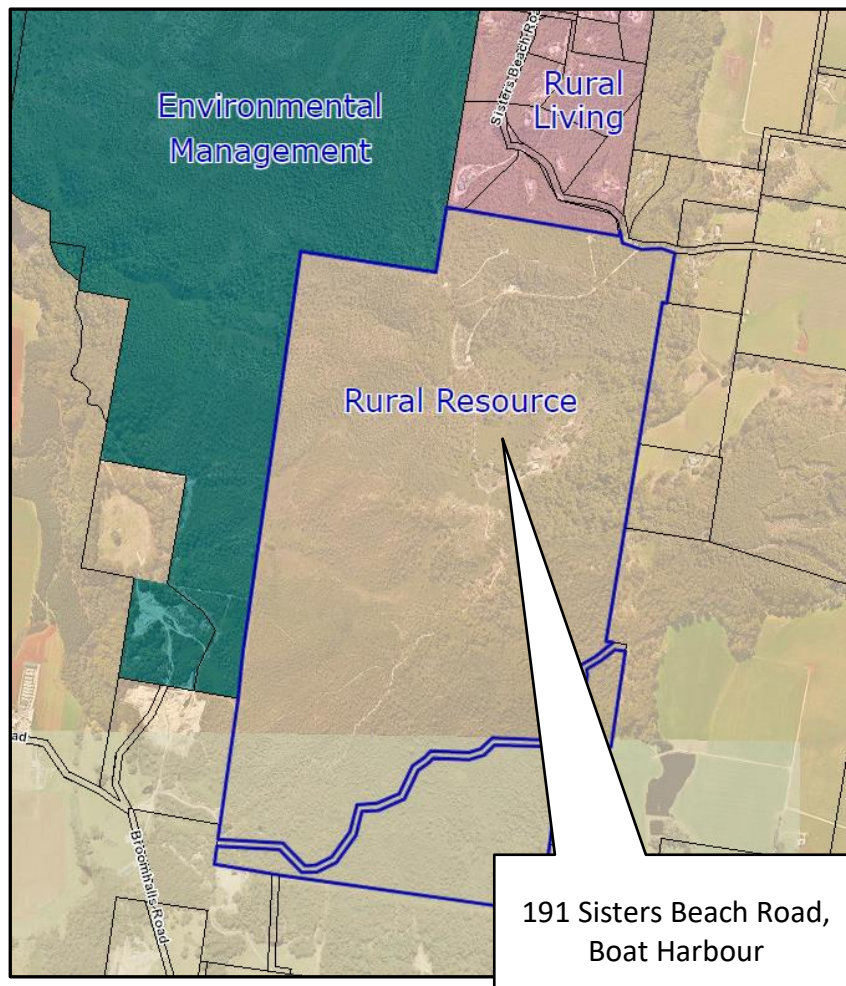


Figure 4: Subject site with zoning

DETAILS

The applicant is seeking approval for development on land described as 191 Sisters Beach Road, Boat Harbour (CT 107898/1). The proposal is for construction of a manager's residence, shed and internal driveway, as well as retrospective approval for removal of 1.2ha of native vegetation.

The proposed manager's residence has a floor area of 279.4m² and a maximum height of 5m. It comprises an entry area, combined kitchen/dining/living area, bathroom, laundry, main bedroom with ensuite and an additional two bedrooms/study. It is clad in a mix of vernacular sheeting with glazed areas and is roofed in Colorbond.

The proposed shed has a floor area of 36m² and a maximum height of 5m. It is clad and roofed in Colorbond. Both the proposed dwelling and shed are setback at least 75m from the northern title boundary to Sisters Beach Road, 60m from the eastern side boundary, over 1km from the southern rear boundary and over 500m from the western side boundary.

It is also proposed to construct an additional 110m internal driveway off the existing internal access from Sisters Beach Road. No new access points onto Sisters Beach Road are proposed.

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

The subject property is zoned Rural Resource under the Planning Scheme. The proposal is defined as being within the Residential use class, a discretionary use within the zone. The applicant is applying for discretion under the following clauses:

- Residential use 26.3.3 (P1);
- Location and configuration of development 26.4.2 (P3.1);
- Location of development for sensitive use 26.4.3 (P1); and
- Protection of a threatened native vegetation community or native vegetation providing habitat for a threatened species E6.3.1 (P1).

CONSULTATION PROCESS

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

The period for representations closed on 16 April 2021. One (1) representation was subsequently received.

A planning report was originally prepared for the May 2021 Council meeting, but was removed from the agenda at the applicant's request. They then requested further time to prepare additional time to submit further information to support the application.

The application was re-advertised on 24 July 2021, with one further representation received.

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

Representor: Parks and Wildlife Service (PWS)

Issues raised:	Response:
<p>The proposed dwelling will be located in a listed threatened vegetation community – <i>Banksia serrata</i> woodland. The vegetation community is only known in the Rocky Cape area in Tasmania and a small community on Flinders Island. As such, the site is critical to the range boundary of the vegetation community. It is noted that the site of the dwelling has been previously cleared without appropriate consideration of the conservation value of the vegetation community. Statutory protection of threatened native vegetation communities listed under the <i>Nature Conservation Act 2002</i> is through assessment processes. The clearing and conversion of threatened native vegetation communities may be authorised through assessments such as:</p> <ul style="list-style-type: none"> - Forest Practices Plans, - Planning Permit applications, - Dam permit applications, or - Environmental Impact Assessments (i.e. EPA, PWS, MRT) 	<p>Council referred the application to the Conservation Assessment Section (CAS) in the Natural and Cultural Heritage Division of DPIPW. CAS advised that DPIPW's Investigations and Enforcement Section were unable to commence any legal action for breach of the TSPA due to the expiry of the 6 month statute of limitations.</p> <p>CAS stated that 'the clearing of <i>Banksia serrata</i> plants without a permit issued under the TSPA, and therefore without consideration of the potential impacts of the removal to the local population, appropriate controls over numbers of plants to be taken, biosecurity controls, and post-removal reporting to DPIPW, is considered a risk to the overall size and health of the population of <i>Banksia serrata</i> in the Sisters Beach area'</p> <p>However, further advice from the department has clarified that whilst this clearing was disappointing, the site still retains 68ha of conservation covenant, which remains intact and protected. This much larger preserved area offsets the loss of the 1.2ha of</p>

<p>The proposed dwelling will also require a Bushfire Hazard Management Area (BHMA) that could further increase the area of the threatened community that needs to be cleared. The BHMA is noted as Attachment 6 in the Supporting Documentation but not available in the PDF file online. BHMA's are usually twice the height of surrounding vegetation. Banksia serrata and Eucalyptus nitida can grow to 12m in coastal areas. As such the BHMA would be as much as 24m radius cleared around the dwelling. The dwelling is also located on top of a slope that is likely to increase the radius of the BHMA further. BHMA will not allow the vegetation community to regenerate as it must be maintained for bushfire protection. The cleared site still can be considered Banksia serrata woodland even though it has been impacted by unauthorised land clearing. The site remains within the habitat boundaries of the community, surrounded by the existing vegetation and the soil likely retains a seedbank with the potential to regenerate naturally at this site. An alternate location for the dwelling could be found that is unlikely to impact a threatened vegetation community or threatened species, while maintaining an ocean view. The whole property is 200 hectares in size, with at least 100 hectares available for development (outside conservation covenant or threatened native vegetation communities). It is recommended that advice be sought from Conservation Assessment Section of DPIPW to ensure any future works comply with Threatened Species Protection Act 1995, Threatened Species Protection Regulations 2016 and Nature Conservation Act 2002.</p>	<p>cleared land. It is also preferred to use cleared area to locate the development, rather than seeking approval to clear more land for the development. For a full discussion of the issue of Banksia serrata removal please see the assessment against Clause E3.6.1.</p>
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Representor: A Macrae and R Berryman

Issues raised:	Response:
<p>Road access – the gravel from the existing steep access is constantly being washed out on to Sisters Beach Road, causing a hazard. Visual clearance (site distance) of the access is still an issue, that has not been resolved by the previous works.</p> <p>Operating hours – the noise of the existing activities at Sandridge estate is problematic, with noise continuing after midnight. If this application increases the use of the site, then this problem will become constant rather than intermittent.</p>	<p>The access has been assessed by Council's Engineering Department. An upgrade to the access is not required. Safety issues related to gravel washing over the road are dealt with under the Local Government (Highways) Act. Conditions regarding site distance have been recommended to ensure safe site distances are achieved and maintained.</p> <p>The proposal will not increase the intensity of the use of the site. It is considered that a manager's residence on the site will improve compliance with hours of operation conditions set under preceding planning permit.</p>

INTERNAL REFERRALS

Engineering Services Department

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

1. All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.
2. In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
3. Sight benching is required for the southern side of Sisters Beach Road to the east of the site access to increase sight distance.
4. On completion of sight benching work a Traffic Engineer is to certify by declaration that all work has been carried out fully in accordance with the Traffic Impact Assessment advice.
5. The developer is to remove and maintain vegetation back to the property boundary line including the extent of the sight benching work, to achieve minimum safe sight lines for vehicles entering and exiting the site.
6. Loading and unloading of vehicles is to be confined to within the boundaries of the property.
7. Stormwater from the development is to be fully contained within the boundaries of the property.

Environmental Health

The application was referred to Council's Environmental Health Officer. A site inspection was undertaken on 13 April 2021 and 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.

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

A full assessment of the proposed on-site wastewater disposal system and stormwater disposal system will be undertaken at the building/plumbing application stage.

EXTERNAL REFERRALS

The application was referred to the Conservation Assessment Section (CAS) in the Natural and Cultural Heritage Division of DPIPWE on 14 April 2021. CAS provided a response to Council on 5 May 2021 with comments, however no specific conditions were recommended. Further advice was provided on 12 May 2021 to respond to the additional information provided with the proposal. A copy of this advice is attached to the report.

PLANNING ASSESSMENT

The subject site is zoned Rural Resource under the *Waratah Wynyard Interim Planning Scheme 2013*. The proposal is categorised as Residential use. Residential use is discretionary within the zone if a new residential use.

The proposal does not meet all relevant acceptable solutions of the planning scheme and is therefore submitted as a discretionary application under s57 of LUPAA and assessed under the *Waratah Wynyard Interim Planning Scheme 2013* and relevant State Policies and Acts. Section 57(1)(b) of LUPAA allows Council to relax or waive the provisions of its Planning Scheme under a discretionary status.

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

26.0 Rural Resource zone

26.3.3 Residential Use

<p>A1 Residential use that is not required as part of another use must –</p> <ul style="list-style-type: none"> (a) be an alteration or addition to an existing lawful and structurally sound residential building; (b) be an ancillary dwelling to an existing lawful and structurally sound single dwelling; (c) not intensify an existing lawful residential use; (d) not replace an existing residential use; (e) not create a new residential use through conversion of an existing building; (f) be an outbuilding with a floor area of not more than 100m² appurtenant to an existing lawful and structurally sound residential building; or (g) be home based business in association with occupation of an existing lawful and structural sound residential building; and (h) there is no change in the title description of the site on which the residential use is located 	<p>P1 Residential use that is not required as a part of other use must –</p> <ul style="list-style-type: none"> (a) be consistent with local area objectives; (b) be consistent with any applicable desired future character statement; (c) be on a site within which the existing or proposed development area – <ul style="list-style-type: none"> (i) is not capable by reason of one or more of factors of topography, resource capability, size or shape of being utilised for resource development or extractive industry use; and (ii) is not capable of utilisation in the operations of a resource development or extractive industry enterprise, regardless of ownership; and (iii) does not constrain or interfere with existing or potential resource development or extractive industry use of land including the balance area on the site. (d) not be likely to impose an immediate demand or contribute to a cumulative requirement for public provision or improvement in reticulated or alternate arrangements for utilities, road access, or community service.
<p>Planning Comments: Complies</p> <p>Council is in receipt of an application for a new residential use consisting of a manager’s residence and associated outbuilding (shed). Assessment against Performance Criteria P1 for this Clause is therefore required.</p> <p>The relevant test for Performance Criteria P1(a) requires demonstration that the proposed dwelling is ‘consistent’ with the local area objectives; the proposed residential use must be considered to be in harmony with the local area objectives when considering those objectives as a whole.</p> <p>Local area objectives (f) and (g) are largely irrelevant as they relate to use of land for tourism and recreation uses or for economic, community, and utility activities; the proposal is for residential use in its own right as opposed to the alternative pathway under Clause 26.3.2 of a required residential use.</p> <p>Local area objective (h) states that residential use and development on rural land is appropriate only if it is:</p> <ul style="list-style-type: none"> a. required by a primary industry or a resource based activity, or b. without permanent loss of land significant for primary industry use and without constraint or interference to existing and potential use of land for primary industry purposes. 	

Local area objectives, (a)-(e), are concerned with the protection of agricultural land, with (a), (b) and (c) in particular highlighting the importance of preserving natural resources for primary industry use.

The subject site comprises 192.9ha and is currently used for a mix of natural and cultural values management, visitor accommodation and as a venue for functions. The western portion of the site is subject to a permanent conservation covenant. The north-eastern portion of the site contains a function centre venue and 'glamping' campground surrounded by native vegetation. The remainder of the site is also heavily vegetated.

According to the Land Capability Survey 1999 (Grose CJ, Land Capability Handbook, Guidelines for the Classification of Agricultural Land in Tasmania, DPIWE) the subject title contains class 5 and class 7 land. Class 5 land is defined as land unsuited to cropping and with slight to moderate limitations to pastoral use. Class 7 land is defined as land with very severe to extreme limitations that make it unsuitable for agricultural use.

The location of the proposed residential use is on class 7 land which by definition is not suited to agricultural use. The proposed dwelling will be located approximately 150m from the nearest portion of class 5 land on the site, which contains the function centre venue and 'glamping' campground. Development of either of these areas for primary industry purposes is unlikely due to both the soil quality and existing use on the site for events and visitor accommodation. Development of the southern portion of the site is also restricted as access to this portion of the site requires crossing over land subject to a conservation covenant. There is very little available space on the site for the conduct of resource development use which does not affect either the conservation covenant or existing business operating on the site.

This is particularly true of agricultural uses such as cropping and grazing. Activities associated with these types of uses, for example spray drift, use of machinery including irrigation pumps and firearm-based methods of wildlife control, are not compatible with the existing conservation covenant or a business which relies on the natural values of its surroundings. Although local area objectives (d) and (e) acknowledge that that primary industry use can take many different forms and that all agricultural land is valuable, use of the site for other forms of resource development use, for example broiler sheds or feedlots, is similarly incompatible with the physical characteristics of the site, including its current use and proximity to established residential lots to the north and east. The subject site also contains threatened native vegetation which is likely to preclude use for forestry or extractive industry purposes.

The proposal is considered to be consistent with local area objectives (a)-(e) in that the subject site has limited value as agricultural land is heavily constrained for both primary industry and other forms of resource development use. Construction of a single dwelling and shed is consistent with local area objective (h) as the proposed residential use will not result in permanent loss of land significant for primary industry use and will not constrain or interfere with existing or potential use of the subject site for primary industry purposes.

The proposal satisfies Performance Criteria P1(a).

Performance Criteria P1(b) states that residential use must be consistent with applicable desired future character statements for the Rural Resource zone. Desired future character statement (a) is largely irrelevant to the proposal as the site is not well suited to resource development or extractive industry uses and there is very little available space on the site to accommodate service/support buildings and work areas of a substantial size without also negatively impacting either the conservation covenant or existing business operating on the site.

The proposed residential use comprises a manager's residence and shed consistent in size and scale of residential development on lots to the north across Sisters Beach Road as well as the existing dwelling on the adjoining lot to the east at 169 Sisters Beach Road. In this regard the proposal can be considered to be consistent with desired future character statement (b).

As demonstrated above, the potential of the subject site to be used for agricultural or other forms of primary industry purposes is heavily constrained due to the conservation covenant and existing business operating on the site as well as the site's soil type and varied elevation. The proposed development will not result in loss of land important for sustainable, resource-dependent, commercial production and is therefore consistent overall with desired future character statements (d) and (e).

Desired future character statement (c) states that development on rural land will seek to minimise disturbance to natural biodiversity and ecological systems. The proposed dwelling will be located in an area containing a threatened vegetation community, *Banksia serrata* woodland, which is listed as 'rare' under the *Threatened Species Protection Act 1995* (TSPA). Council referred the application to the Natural and Cultural Heritage Division of DPIWWE for their consideration. A response was received from Conservation Assessments (CAS) which contained the following comments:

- the proponent has demonstrated that they have satisfied P1(c)(ii) through the establishment of the conservation covenant on the property which covers approx. 68 ha of the 192 ha property, a significant proportion of the land. Although the 2020 clearing of Banksia serrata plants without the appropriate approvals is unfortunate, the conservation covenant at least provides a suitable offset for this loss.
- CAS can advise that the construction of a residential dwelling on the property is supported, provided the development does not result in or necessitate the clearing and conversion of any further Banksia serrata plants from the property.

Based on this expert opinion, the proposal is consistent with desired future character statement (c) and therefore satisfies Performance Criteria P1(b).

It has been demonstrated above that the site is unlikely to be able to support either resource development or extractive industry use, due to the conservation covenant and existing business operating on the site as well as the site's soil type and varied elevation.

The subject site adjoins Rocky Cape National Park to the west and Sisters Beach Road to the north. The properties to the north of Sisters Beach Road and the property immediately east of the proposed development site contain established residential uses. The characteristics of these lots and existing dwellings mean that future use for resource development or extractive industry use is unlikely. The properties to the south, south-east and south-west of 191 Sisters Beach Road are located between 700m and 2km from the proposed development area. It is unlikely that the proposed dwelling will constrain primary industry use on these sites.

Overall, the proposal is expected to have minimal impact, if any, on existing and/or potential resource development use in the vicinity. The proposed residential use satisfies each of Performance Criteria P1(c)(i), P1(c)(ii) and P1(c)(iii).

Access to the site is via an existing crossover location and will be conditioned accordingly as required by Council's Engineering Department. Wastewater is to be disposed of within the title boundaries by a system approved by Council and water is via on-site supply. Connections to TasNetworks and telecommunications infrastructure are available. The proposal will not contribute to the demand for any community services or infrastructure and therefore satisfies Performance Criteria P1(d).

26.4.2 Location and Configuration of Development

<p>A3.1 A building or utility structure, other than a crop protection structure for an agricultural use or wind power turbines or wind power pumps, must –</p> <ul style="list-style-type: none"> (a) not project above an elevation 15m below the closest ridgeline; (b) be not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland; (c) be below the canopy level of any adjacent forest or woodland vegetation; and (d) clad and roofed with materials with a light reflectance value of less than 40%. 	<p>P3.1 The location, height and visual appearance of a building or structure except for wind power turbines or wind power pumps must have regard to –</p> <ul style="list-style-type: none"> (a) minimising the visual impact on the skyline; (b) minimising height above the adjacent vegetation canopy; (c) minimising visual impact on the shoreline or a marine or aquatic water body, water course, or wetland where possible; and (d) minimising reflection of light from an external surface.
<p>Planning Comments: Complies</p> <p>The proposed dwelling and shed are roofed in Colorbond in a shade with a light reflectance value of less than 40%. The shed is also clad in Colorbond. The dwelling is clad in a mix of vernacular sheeting with glazed areas. The glazed portions have a light reflectance value greater than 40% and the proposal therefore requires assessment against Performance Criteria P1 for this Standard.</p> <p>Both structures are setback more than 30m from the nearest watercourse or body of water. The proposed development area has an elevation of approximately 185m. The ridgeline to the west has an elevation of approximately 225m. Neither the dwelling nor the shed exceed 5m in height. Visual impact on the skyline or waterbodies will be minimal. The subject site is heavily vegetated, which has a canopy height greater than the height of the proposed development and also serves to screen the dwelling and shed from view from adjoining properties.</p> <p>The proposal satisfies Performance Criteria P3.1 for this Standard.</p>	

26.4.3 Location of Development for Sensitive Use

<p>A1 New development, except for extensions to existing sensitive use where the extension is no greater than 30% of the existing gross floor area of the sensitive use, must –</p> <p>(a) be located not less than –</p> <ul style="list-style-type: none"> (i) 200m from any agricultural land; (ii) 200m from aquaculture or controlled environment agriculture; (iii) 500m from the operational area boundary established by a mining lease issued in accordance with the <i>Mineral Resources Development Act 1995</i> if blasting does not occur; or (iv) 1000m from the operational area boundary established by a mining lease issued in accordance with the <i>Mineral Resources Development Act 1995</i> if blasting does occur; (v) 500m from intensive animal husbandry; (vi) 100m from land under a reserve management plan; (vii) 100m from land designated for production forestry; (viii) 50m from a boundary of the land to a road identified in Clause 26.4.2 or to a railway line; and (ix) clear of any restriction imposed by a utility; and <p>(b) not be on land within a proclaimed irrigation district under Part 9 <i>Water Management Act 1999</i> or land that may benefit from the application of broadscale irrigation development</p>	<p>P1 New development, except for extensions to existing sensitive use where the extension is no greater than 30% of the existing gross floor area of the sensitive use, must minimise –</p> <ul style="list-style-type: none"> (a) permanent loss of land for existing and potential primary industry use; (b) likely constraint or interference to existing and potential primary industry use on the site and on adjacent land; (c) permanent loss of land within a proclaimed irrigation district under Part 9 <i>Water Management Act 1999</i> or land that may benefit from the application of broadscale irrigation development; and (d) adverse effect on the operability and safety of a major road, a railway or a utility
<p>Planning Comments: Complies</p> <p>The proposal includes a dwelling which is considered to be a sensitive use. The proposal relies on the performance criteria, as the proposed sensitive use is within 200m of agricultural land.</p> <p>It has been demonstrated under Clause 26.3.3 that due to the conservation covenant and existing business operating on the site as well as the site’s soil type and varied elevation, the site is unlikely to be able to support either resource development or extractive industry use.</p> <p>The subject site adjoins Rocky Cape National Park to the west and Sisters Beach Road to the north. The properties to the north of Sisters Beach Road and the property immediately east of the proposed development site, 169 Sisters Beach Road, contain established residential uses. The characteristics of these lots and existing dwellings mean that future use for resource development or extractive industry use is unlikely.</p> <p>The properties to the south-east, south and south-west of 191 Sisters Beach Road are used for a combination of grazing, cropping and extractive industry. However, these properties are located between 700m and 2km from the proposed development area. It is unlikely that the proposed dwelling will constrain primary industry use on these sites.</p> <p>The closest prime agricultural land is located approximately 150m east of the proposed dwelling. The dwelling at 169 Sisters Beach Road provides a buffer between the proposed residential use and cropping and there is unlikely to be any significant further constraint on agricultural activities undertaken on this land. Regarding other primary industry uses, there is no commercial forestry or extractive industry use within 1.5km of the proposed dwelling and the characteristics of the subject title and surrounding area, including existing residential development, do not indicate and future use of land near the proposed sensitive use for these purposes.</p>	

The title is not located within a proclaimed irrigation district, and, due to the restrictions outlined above, is not suited to broad scale irrigation development. The proposed dwelling is located further than 2km from the nearest arterial road or railway and the title does not contain any underground utilities. It has been demonstrated that the proposed sensitive use satisfies Performance Criteria P1 for this Standard.

Part E Codes

Clearing and Conversion of Vegetation Code

E3.6.1 Protection of a threatened native vegetation community or native vegetation providing habitat for a threatened species

<p>A1</p> <p>(c) Vegetation must not be any of the following</p> <ul style="list-style-type: none"> (i) a threatened native vegetation community; (ii) contain threatened flora or be threatened fauna habitat; or (iii) be within 30m of a water body, watercourse, wetland, or coastal shoreline; or <p>(d) (b) the removal or destruction of any rare or threatened species or rare or threatened communities protected under state or commonwealth legislation must not occur unless authorised by the appropriate agency</p>	<p>P1</p> <p>The harvesting of timber or the clearing and conversion of native vegetation must –</p> <ul style="list-style-type: none"> (a) be justified by exceptional circumstance; or (b) be necessary to deliver an overriding environmental benefit for the region; and (c) be unlikely to have adverse effect on – <ul style="list-style-type: none"> (i) value of the habitat for a species managed under the Threatened Species Protection Act 1995 or the Nature Conservation Act 2002; (ii) ability to contribute to the Tasmanian comprehensive, adequate, and representative vegetation conservation reserve system; or (iii) value of shoreline vegetation for water quality management; and (d) have regard to any advice or decision of the relevant entity for applicable native vegetation or wildlife protection and conservation for – <ul style="list-style-type: none"> (i) impact of the use or development on the objectives and outcomes for protection and conservation of native vegetation and wildlife; and (ii) any condition or requirement for protection or conservation of a threatened native vegetation community or of vegetation providing threatened species habitat
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Planning Comments: Complies

The application for retrospective approval of clearing concerns an area of the subject site identified as containing a threatened vegetation community, *Banksia serrata* woodland. This vegetation community is listed as 'rare' under the *Threatened Species Protection Act 1995* (TSPA). A map showing the location of the cleared as well as site photos of the cleared area are shown above in Figures 1 – 3.

The planning authority can only consider an application of removal of threatened native vegetation community if it is satisfied the requirements of P1(a) and P1(c) and P1(d), or each of P1(b) and P1(c) and P1(d) are demonstrated. The applicant has relied upon demonstrating compliance with each of P1(b), P1(c) and P1(d) to satisfy the requirements of the scheme.

Sub-clause P1(b) requires an overriding benefit to the region to allow the removal of native vegetation. The applicant has demonstrated that the current use of the site as a wedding reception venue has proven to be very popular, largely due to its natural setting. Approximately 80% of the clientele travel to the site from outside of the region. In order to support this existing use, the applicant seeks to establish a manager's residence. A site was required to be cleared to provide a building footprint for the residence. Approvals for this clearing should have been sought prior to the clearing, but are now being applied for retrospectively.

Whilst a 1.2ha patch has been removed from the site, a significant area of 68 Ha remains on-site, protected by a conservation covenant. Additional areas surrounding the wedding reception venue and camping

grounds also remain, as key attractors for future customers. An overall overriding environmental benefit to the region remains and is to be retained.

Advice from the Conservation Assessment Section of DPIPWE identifies that the site contributes significantly to the Tasmanian vegetation conservation reserve system through applying and maintaining a 68ha conservation covenant over the property. This equates to over a third of the 192ha site being conserved. It is acknowledged that the loss of 1.2ha of native vegetation is a loss, but it is adequately offset by the site's conservation status.

It is noted that P1(c)(iii) is not directly relevant to this application as no vegetation was removed in a shoreline area.

To address subclause (d), Council referred the application to the Natural and Cultural Heritage Division of DPIPWE for their consideration. A response was received from Conservation Assessments (CAS) which contained the following comments:

- the proponent has demonstrated that they have satisfied P1(c)(ii) through the establishment of the conservation covenant on the property which covers approx. 68 ha of the 192 ha property, a significant proportion of the land. Although the 2020 clearing of *Banksia serrata* plants without the appropriate approvals is unfortunate, the conservation covenant at least provides a suitable offset for this loss.
- CAS can advise that the construction of a residential dwelling on the property is supported, provided the development does not result in or necessitate the clearing and conversion of any further *Banksia serrata* plants from the property.

Based on this expert opinion, the proposal is consistent with the performance criteria.

STATUTORY IMPLICATIONS

Land Use Planning and Approvals Act 1993

The Council is established as a Planning Authority by definition under Section 3(1) of LUPAA and must enforce the Planning Scheme under section 48 of 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 the public representations received. It is noted that two (2) representations were received during the public advertising period.

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

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

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

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

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

COMMENT

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

Whilst it is acknowledged that approvals should have been sought prior to the clearing of the building footprint, when the clearing is considered in the context of the site and the amount of native vegetation that has been conserved, there is sufficient offset retained on the site. It is also preferred to utilise the cleared area, rather than requiring re-vegetation and then have the applicant apply to clear elsewhere on the property.

The use itself is required on-site to help manage the uses that have been established, being the Sandridge estate wedding reception and associated camping area.

It has been established that the use will not result in the loss of agricultural land, nor have any impact on surrounding agricultural uses.

For these reasons it is considered that the proposal has demonstrated compliance with the Rural Resource Zone code and the Clearing and Conversion of Vegetation Code.

MOVED BY	CR DUNIAM
SECONDED BY	CR BRAMICH

That Council, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Waratah-Wynyard Interim Planning Scheme 2013*, approve an application for a manager's residence, outbuilding and associated works (clearing) at 191 Sisters Beach Road, Boat Harbour (Lot 1 on SP 107898) subject to the following conditions:

CONDITIONS:

- (1) The development is to be generally in accordance with the application as submitted and endorsed plans as listed:**
 - a. Proposal plans with titled Sandridge House as prepared by Licht Architecture and dated 8 August 2020.**
 - b. Planning Response as prepared by Licht Architecture dated 14 July 2021.**
 - c. Natural Values Report as prepared by Natural State.**

-
- (2) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.**
 - (3) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.**
 - (4) Loading and un-loading of vehicles is to be confined to within the boundaries of the property.**
 - (5) Control measures are to be installed for the duration of the construction phase so as to limit the loss of soils and other debris from the site.**
 - (6) Stormwater is to be fully contained within the boundaries of the property.**
 - (7) Sight benching is required for the southern side of Sisters Beach Road to the east of the site access to increase sight distance.**
 - (8) On completion of sight benching work a Traffic Engineer is to certify by declaration that all work has been carried out fully in accordance with the Traffic Impact Assessment advice.**
 - (9) The developer is to remove and maintain vegetation back to the property boundary line including the extent of the sight benching work, to achieve minimum safe sight lines for vehicles entering and exiting the site.**

Notes: -

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

- An “Activity in Road Reservation” permit must be obtained from Council for all activity within the Road Reservation.
- This project must be substantially commenced within two years of the issue of this permit.
- The applicant is advised to consult with a building surveyor to ensure the development is constructed in accordance with *Building Act 2016*.
- This permit is based on information and particulars set out in Development Application DA 21/2021. Any variation requires an application for further planning approval of Council.
- Any further clearing of the site will be subject to additional approvals.
- 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*.
- Attention is drawn to existing or proposed electricity infrastructure, please be sure to contact TasNetworks on 1300 137 008 to ensure these works do not impede on existing electricity easements and are at a safe distance from powerlines. Failure to do so could result in the relocation of electricity assets at your cost.
- Under Section 61 (4) of the *Land Use Planning and Approvals Act 1993*, the applicant has the right to lodge an appeal against Council’s decision. Notice of appeal should be lodged on the prescribed form together with the required fee within fourteen days after the date on which notice of the decision was served on that person, to the Resource Management and Planning Appeal Tribunal, G.P.O. Box 2036, Hobart, 7001.

Updated Notices of Appeal are available on the Tribunal's website at www.rmpat.tas.gov.au.

AMENDMENT TO THE MOTION

MOVED BY	CR HYLAND
SECONDED BY	CR BRAMICH

That Council, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Waratah-Wynyard Interim Planning Scheme 2013*, approve an application for a manager's residence, outbuilding and associated works (clearing) at 191 Sisters Beach Road, Boat Harbour (Lot 1 on SP 107898) subject to the following conditions:

CONDITIONS:

- (1) The development is to be generally in accordance with the application as submitted and endorsed plans as listed:
 - a. Proposal plans with titled Sandridge House as prepared by Licht Architecture and dated 8 August 2020.
 - b. Planning Response as prepared by Licht Architecture dated 14 July 2021.
 - c. Natural Values Report as prepared by Natural State
- (2) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.
- (3) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
- (4) Loading and un-loading of vehicles is to be confined to within the boundaries of the property.
- (5) Control measures are to be installed for the duration of the construction phase so as to limit the loss of soils and other debris from the site.
- (6) **All stormwater falling onto hardstand areas within the boundary of the property must be collected and discharged into an approved drainage system, to the satisfaction of the Director Infrastructure and Development Services.**
- (7) Sight benching is required for the southern side of Sisters Beach Road to the east of the site access to increase sight distance.
- (8) On completion of sight benching work a Traffic Engineer is to certify by declaration that all work has been carried out fully in accordance with the Traffic Impact Assessment advice.
- (9) The developer is to remove and maintain vegetation back to the property boundary line including the extent of the sight benching work, to achieve minimum safe sight lines for vehicles entering and exiting the site.
- (10) **The developer shall ensure that the entrance to the property from Sisters Beach Road is sealed in all-weather material for a minimum of 6m from the edge of the existing Sisters Beach Road seal in accordance with TSD-RO3-v2.**

Notes: -

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

- An “Activity in Road Reservation” permit must be obtained from Council for all activity within the Road Reservation.
- This project must be substantially commenced within two years of the issue of this permit.
- The applicant is advised to consult with a building surveyor to ensure the development is constructed in accordance with *Building Act 2016*.
- This permit is based on information and particulars set out in Development Application DA 21/2021. Any variation requires an application for further planning approval of Council.
- Any further clearing of the site will be subject to additional approvals.
- 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*.
- Attention is drawn to existing or proposed electricity infrastructure, please be sure to contact TasNetworks on 1300 137 008 to ensure these works do not impede on existing electricity easements and are at a safe distance from powerlines. Failure to do so could result in the relocation of electricity assets at your cost.
- Under Section 61 (4) of the *Land Use Planning and Approvals Act 1993*, the applicant has the right to lodge an appeal against Council’s decision. Notice of appeal should be lodged on the prescribed form together with the required fee within fourteen days after the date on which notice of the decision was served on that person, to the Resource Management and Planning Appeal Tribunal, G.P.O. Box 2036, Hobart, 7001. Updated Notices of Appeal are available on the Tribunal’s website at www.rmpat.tas.gov.au

The AMENDMENT TO THE MOTION was put and was LOST.

IN FAVOUR

			CR HYLAND

AGAINST

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

MOTION

MOVED BY	CR DUNIAM
SECONDED BY	CR BRAMICH

That Council, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Waratah-Wynyard Interim Planning Scheme 2013*, approve an application for a manager’s residence, outbuilding and associated works (clearing) at 191 Sisters Beach Road, Boat Harbour (Lot 1 on SP 107898) subject to the following conditions:

CONDITIONS:

- (1) The development is to be generally in accordance with the application as submitted and endorsed plans as listed:
 - a. Proposal plans with titled Sandridge House as prepared by Licht Architecture and dated 8 August 2020.
 - b. Planning Response as prepared by Licht Architecture dated 14 July 2021.
 - c. Natural Values Report as prepared by Natural State.**
- (2) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.**
- (3) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.**
- (4) Loading and un-loading of vehicles is to be confined to within the boundaries of the property.**
- (5) Control measures are to be installed for the duration of the construction phase so as to limit the loss of soils and other debris from the site.**
- (6) Stormwater is to be fully contained within the boundaries of the property.**
- (7) Sight benching is required for the southern side of Sisters Beach Road to the east of the site access to increase sight distance.**
- (8) On completion of sight benching work a Traffic Engineer is to certify by declaration that all work has been carried out fully in accordance with the Traffic Impact Assessment advice.**
- (9) The developer is to remove and maintain vegetation back to the property boundary line including the extent of the sight benching work, to achieve minimum safe sight lines for vehicles entering and exiting the site.**

Notes: -

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

- An “Activity in Road Reservation” permit must be obtained from Council for all activity within the Road Reservation.
- This project must be substantially commenced within two years of the issue of this permit.

- The applicant is advised to consult with a building surveyor to ensure the development is constructed in accordance with *Building Act 2016*.
- This permit is based on information and particulars set out in Development Application DA 21/2021. Any variation requires an application for further planning approval of Council.
- Any further clearing of the site will be subject to additional approvals.
- 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*.
- Attention is drawn to existing or proposed electricity infrastructure, please be sure to contact TasNetworks on 1300 137 008 to ensure these works do not impede on existing electricity easements and are at a safe distance from powerlines. Failure to do so could result in the relocation of electricity assets at your cost.
- Under Section 61 (4) of the *Land Use Planning and Approvals Act 1993*, the applicant has the right to lodge an appeal against Council's decision. Notice of appeal should be lodged on the prescribed form together with the required fee within fourteen days after the date on which notice of the decision was served on that person, to the Resource Management and Planning Appeal Tribunal, G.P.O. Box 2036, Hobart, 7001. Updated Notices of Appeal are available on the Tribunal's website at www.rmpat.tas.gov.au.

The MOTION was put and was CARRIED.

IN FAVOUR

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

AGAINST

			CR HYLAND

CR BRADLEY RETURNED TO THE MEETING AT 6:51PM.

6.4 MULTIPLE DWELLINGS (WITH OUTBUILDING PORTION) LOCATED AT 300 RESERVOIR DRIVE, WYNYARD - DA 106/2021

To: Council
Reporting Officer: Graduate Town Planner
Responsible Officer: Manager Development and Regulatory Services
Report Date: 6 September 2021
File Reference: 3462657
Supporting Documents: 1. Advertised Documentation 
2. Representation 
3. Extension of Time Agreement 

PURPOSE

The purpose of this report is for Council to consider the merits of the application DA 106/2021 against the requirements of the *Waratah-Wynyard Interim Planning Scheme 2013*.

BACKGROUND

The subject site is located at 300 Reservoir Drive, Wynyard and has an area of 1.088ha. It is located within the Rural Living Zone and has access onto Reservoir Drive via a right of way over the adjoining property at 310 Reservoir Drive, Wynyard. The site is currently vacant.

The adjoining title to the north, 278 Reservoir Drive, is also vacant. The adjoining title to the west and south, 301 Reservoir Drive, and the lot to the east across Reservoir Drive, 39 Whitsitts Road contain single dwellings and associated outbuilding development.

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

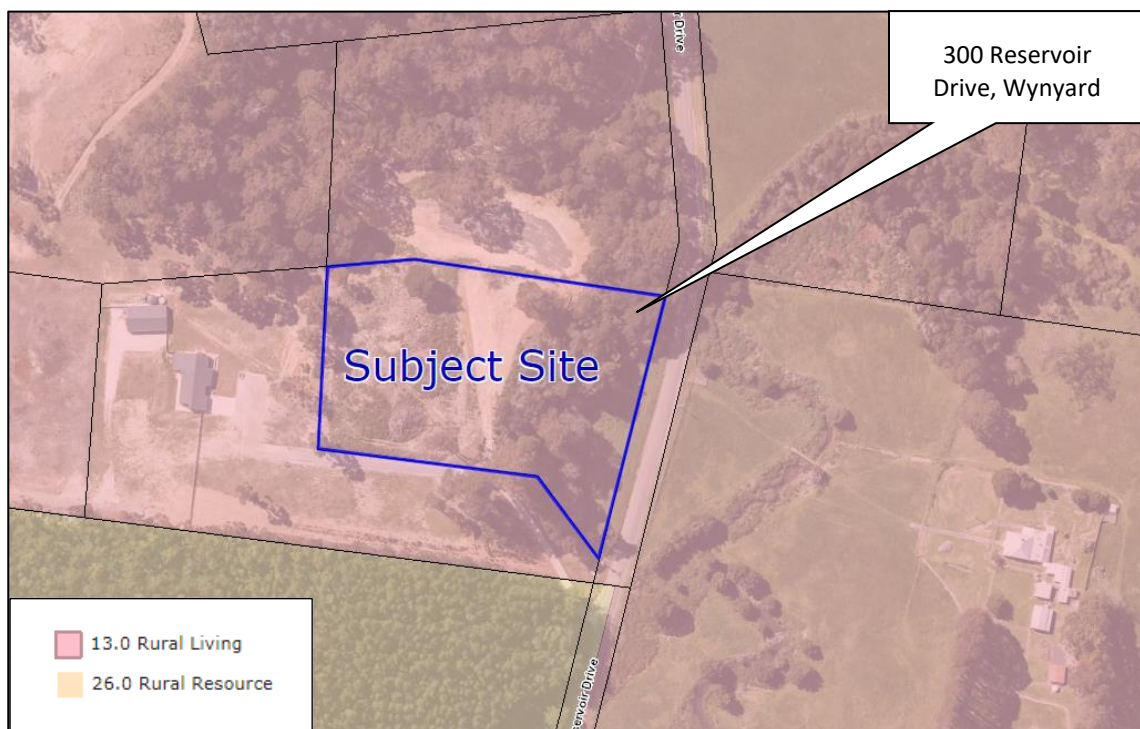


Figure 1: Subject site with zoning

DETAILS

The applicant is seeking approval for the staged development of two dwellings including an outbuilding portion. Stage 1 is for the construction of a dwelling with an attached shed and Stage 2 is for the construction of an additional dwelling, intended to be the primary residence on the site.

Although the dwelling included in Stage 1 is intended to serve as a secondary dwelling subservient to the primary residence once Stage 2 is completed, it has a floor area greater than 60m² and it does not meet the definition of an ancillary dwelling under the Planning Scheme. The proposal therefore requires assessment as a multiple dwelling development.

The building for Stage 1 has a total floor area of 216m²; the dwelling portion comprises 96m² and the shed portion comprises 120m². It has a maximum height of 4.07m and is clad and roofed in a mix of Colorbond and weatherboard. The dwelling portion of the building includes two bedrooms, a combined kitchen/dining/living area and bathroom with laundry. The primary residence for Stage 2 is a four-bedroom dwelling with a floor area of 375m² and a maximum height of 4.5m.

Proposed development on the site is setback 65.8m from the frontage onto Reservoir Drive, 12m from the northern side boundary, 10m from the western rear boundary and 25.6m from the southern side boundary.

The proposal also includes a water tank with a capacity of 60kL located in the south-western corner of the subject site, at least 10m from both the western and southern boundaries.

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

The subject property is zoned Rural Living under the Planning Scheme. The proposal is defined as a Residential Use Class. This is a Permitted use within the zone, should the application meet all the relevant Acceptable Solutions. The proposal does not comply with all the acceptable solutions. The applicant is applying for discretion under the following Clauses of the Planning Scheme:

- 13.4.1 Suitability of a site or lot for use or development (P2);
- 13.4.2 Dwelling density (P1);
- 13.4.3 Location and Configuration of Development (P3, P4); and
- E2.6.2 Protection of operational airspace (P1)

CONSULTATION PROCESS

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

The period for representations closed on 11 August 2021. One (1) representation was subsequently received. A map demonstrating the relationship between the subject site and the representors' property is shown in Figure 2.

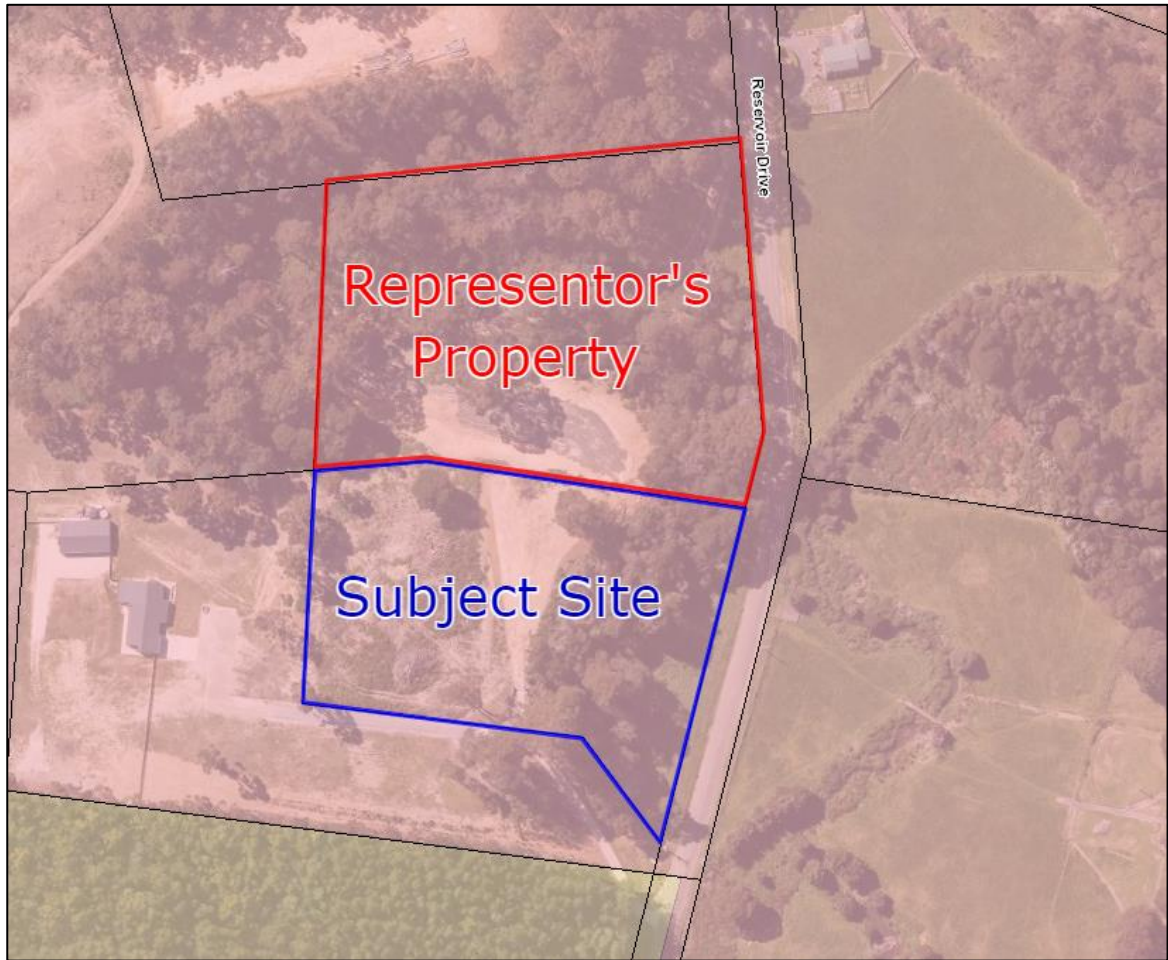


Figure 2: Relationship between the subject site and the representor's property

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.

Representor – J M Haddow

Issues raised:	Response:
<p>This is in relation to DA 106/2021, when considering this application can you please ensure that consideration has been made for all stormwater waste that is coming from the property relating to the DA. This excess stormwater needs to be diverted away from the connecting property. We have already had issues with it eroding the hill on the connecting land to 278 Reservoir Drive and have spent considerable money fixing the erosion.</p>	<p>The Acceptable Solution for Clause 13.4.1 Suitability of site or lot for use or development requires a site to have a minimum lot size of 5000m² for on-site disposal of stormwater. The subject site has an area of 1.088ha and complies with the Acceptable Solution for this Standard.</p> <p>Council's Engineering Department has undertaken an assessment of the proposal and is satisfied that there is adequate space available on the subject site to dispose of stormwater within the title boundaries and have required a condition to be included on any permit issued to this effect.</p>

INTERNAL REFERRALS

Engineering Services Department

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

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

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

Environmental Health

The following environmental health conditions were recommended.

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

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

A full assessment of the proposed on-site wastewater disposal system will be undertaken at the plumbing application stage.

EXTERNAL REFERRALS

The application was referred to Burnie Airport Corporation on 27 July 2021. The response was received on 10 August 2021 and forms Part B of this permit.

PLANNING ASSESSMENT

The subject site is zoned Rural Living under the *Waratah-Wynyard Interim Planning Scheme 2013*. The use is a Residential Use which is a Permitted use within the Rural Living zone, should the application meet all the relevant acceptable solutions of the planning scheme.

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

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

13.0 Rural Living Zone

13.4.1 Suitability of a site or lot for use or development

<p>A2 A site or each lot on a subdivision plan must have a separate access from a road –</p> <ul style="list-style-type: none"> (a) across a frontage over which no other land has a right of access; and (b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or (c) by a right of way connecting to a road – <ul style="list-style-type: none"> (a) over land not required as the means of access to any other land; and (b) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and (d) with a width of frontage and any access strip or right of way of not less than 6.0m; and (e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan. 	<p>P2</p> <ul style="list-style-type: none"> (a) A site must have a reasonable and secure access from a road provided – <ul style="list-style-type: none"> (i) across a frontage; or (ii) by an access strip connecting to a frontage, if for an internal lot; or (iii) by a right of way connecting to a road over land not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and (iv) the dimensions of the frontage and any access strip or right of way must be adequate for the type and volume of traffic likely to be generated by – <ul style="list-style-type: none"> a. the intended use; and b. the existing or potential use of any other land which requires use of the access as the means of access for that land; and (v) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a subdivision plan; or (b) It must be unnecessary for the development to require access to the site or to a lot on a subdivision plan.
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Planning Comments: Complies

The subject site has frontage onto Reservoir Drive of 110.1m but is accessed via a right of over the adjoining lot to the south and east at 310 Reservoir Drive. Assessment against P2 is required due to the shared access arrangements.

The right of way is not required as the means of access to land other than the currently vacant subject site and 310 Reservoir Drive, which has already been developed with a single dwelling and large shed. The area of 310 Reservoir Drive subject to the right of way is not required to give either lot the minimum properties of a lot under the Planning Scheme.

The proposal is for the staged development of two dwellings including an outbuilding portion. The dwelling included in Stage 1 is intended to serve as a secondary dwelling (aka ‘granny flat’) once the primary residence is completed in Stage 2. The proposal requires assessment as a multiple dwelling development as the secondary dwelling exceeds the maximum floor area allowable for ancillary dwellings under the Planning Scheme. However, it is not the intention of the owners to establish multiple residences for occupation by separate households of the type usually seen in General Residential zoned areas.

It is unlikely that either the subject site or adjoining lot at 310 Reservoir Drive will be developed for use more intensive than a primary/secondary dwelling and associated outbuilding development, given that the properties are located in a semi-rural area characterised by residential development on large lots. It is not an area intended for commercial use or high density residential development.

The right of way has a variable width of 10m to 25m. It is considered that the width of the shared access is adequate for the likely type and volume of traffic generated by the proposed development on the subject site as well as the existing development on 310 Reservoir Drive.

Council’s road authority is satisfied that the existing arrangements are adequate and has provided relevant permit conditions. No specific conditions relating to the existing access arrangements were recommended. In this manner, the proposal satisfies P2(a) for this Clause.

13.4.2 Dwelling Density

A1	P1
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<p>The site area per dwelling must –</p> <p>(a) be not less than 1.0 ha; or</p> <p>(b) if the site is in a locality shown in the Table to this Clause, the site area for that locality</p>	<p>The number of dwellings on a lot or site must be consistent with:</p> <p>(a) clauses 13.1.1, 13.1.2 and 13.1.3 having regard to –</p> <p>(i) the size of any existing or approved lot or site on land in the vicinity; and</p> <p>(ii) the pattern, intensity and character of established use and development on other lots in the vicinity; and</p> <p>(b) the capability of the land for residential use having regard to the effect of one or more of the following as are relevant to the size of a site or lot –</p> <p>(i) topography;</p> <p>(ii) natural drainage;</p> <p>(iii) the desirability of protecting native vegetation, landscape features, natural and cultural values;</p> <p>(iv) provision for management of exposure to natural hazards;</p> <p>(v) provision for access to the building area;</p> <p>(vi) compliance to the acceptable solution criteria in any applicable standard for location and separation of a building in relation to a frontage, side or rear boundary or zone boundary and from adjacent buildings;</p> <p>(vii) arrangements for the convenient provision of roads and access to the land;</p> <p>(viii) arrangements for the provision of a water supply and for the drainage and disposal of sewage and stormwater;</p> <p>(ix) any restriction or requirement of a lawful easement or statutory interest in the land; and</p> <p>(x) opportunity for solar access to each building.</p>
<p>Planning Comments: Complies</p> <p>The subject site comprises 1.088ha and is currently vacant. The proposal is for the staged development of two dwellings including an outbuilding portion, which equates to 1 dwelling per 5440m² and requires assessment against P1 for this Standard.</p> <p>The purpose of the Rural Living zone is to provide for residential use or development on large lots in a rural setting where services are limited. The local area objectives for the zone state that the type, scale and intensity of use or development is to be consistent with the capacity of infrastructure services, land capability, the level of risk from exposure to natural hazards, and the protection of land significant for primary production. The desired future character statements state that development in the zone is to provide a landscape in which buildings are set well apart from buildings on adjacent sites and from the road frontage.</p> <p>The dwelling included in Stage 1 is intended to serve as a secondary dwelling (aka ‘granny flat’) once the primary residence is completed in Stage 2. The proposal is classed as a multiple dwelling development due to the fact that the secondary dwelling exceeds the maximum floor area allowable for ancillary dwellings under the Planning Scheme. It is not the intention of the owners to establish multiple residences for occupation by separate households of the type usually seen in General Residential zoned areas.</p> <p>All proposed development on the site complies with permitted setback requirements from title boundaries and development on adjoining lots. The secondary dwelling is connected to the proposed shed with the primary residence located to the west. The overall appearance of both buildings is of a dwelling and large outbuilding and is visually consistent with the type of development undertaken on land in the Rural Living Zone.</p>	

The subject site has existing connections to TasNetworks electricity and telecommunications infrastructure. Access is via a right of way over the adjoining lot at 310 Reservoir Drive. The proposal includes a 60kL water tank for domestic and firefighting water supply. Stormwater and wastewater are to be disposed of on-site by systems approved by Council.

The subject site does not contain any registered easement or burdening right of way or restriction imposed by a utility. The size and configuration of the lot and number of dwellings is compatible with the pattern and density of development on existing Rural Living zoned lots in the area, where lots vary considerably in size from 698m² (216 Reservoir Drive) to 37.32ha (198 Reservoir Drive).

There are no identified threatened flora or fauna on the site and the proposal does not require assessment under the Hazard Management Code which forms part of this Planning Scheme. The secondary dwelling/shed and primary residence are separated from each other by a distance of 29.4m which is considered sufficient to ensure adequate solar access to both buildings.

In this manner, the proposal satisfies P1 for this Clause.

13.4.3 Location and configuration of development

<p>A3 Site coverage must -</p> <ul style="list-style-type: none"> (a) be not more than 500m²; and (b) not include any part of a site required for the disposal and drainage of sewage or stormwater; or (c) be not more than any building area shown on a sealed plan 	<p>P3 Site coverage must –</p> <ul style="list-style-type: none"> (a) retain capacity in any area required for disposal of sewage or stormwater; and (b) be consistent with the rural setting and streetscape
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Planning Comments: Complies

The subject site is currently vacant. The proposal is for the staged development of two dwellings including an outbuilding portion. Total site coverage is 591m² and the proposal requires assessment against P3 for this Clause. The dwelling included in Stage 1 is intended to serve as a secondary dwelling (aka ‘granny flat’) once the primary residence is completed in Stage 2. The proposal requires assessment as a multiple dwelling development as the secondary dwelling exceeds the maximum floor area allowable for ancillary dwellings under the Planning Scheme. It is not the intention of the owners to establish multiple residences for occupation by separate households of the type usually seen in General Residential zoned areas.

The secondary dwelling is connected to the proposed shed with the primary residence located to the west. The overall appearance of both buildings is of a dwelling and large outbuilding and is visually consistent with the type of development undertaken on land in the Rural Living Zone.

Wastewater and stormwater are to be disposed of within title boundaries by systems approved by Council and designed to the satisfaction of Council’s Engineering Department and Environmental Health Officer. To this effect, Council’s Engineering Department requires the following condition to be included on any permit issued:

- Stormwater from the proposed development is to be fully contained within the boundaries of the property.

A note will also be included on any permit issued advising that a full assessment of the proposed on-site wastewater disposal system will be undertaken by Council’s Environmental Health Officer at the plumbing application stage.

A total site coverage of approximately 591m² is consistent with other rural living zoned lots in the area. Site coverage on nearby lots to the north-west, 58 Smiths Road, and to the east, 39 Whitsitts Road, as well as properties at 208, 219 and 226 Reservoir Drive also exceeds 500m².

The proposal satisfies P3 for this Clause.

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

The proposed primary dwelling is less than 15m of the adjoining ridgeline and therefore requires assessment against P4 for this Clause.

The site with the closest ridgeline rises to the south-west of the subject site and has an elevation of approximately 70m, whilst the proposed primary residence will reach an elevation of approximately 55m. A timber plantation is currently located along the ridgeline.

The effect of the dwelling on the skyline will be minimal given that there is already a constructed dwelling and associated outbuilding on a higher elevation of approximately 6m higher directly behind this lot to the west.

The lot and neighbouring lots have been selectively cleared for building areas, however several eucalypt trees remain. The proposed new dwelling will not protrude above the canopy of the remaining trees on-site and neighbouring lots.

The subject site does not have a watercourse, waterbody or wetland mapped as being on-site. The nearest watercourse identified as Camp Creek, is located on the eastern side of Reservoir Drive on a private property.

The proposed primary dwelling has not provided cladding material details and therefore a condition has been recommended to ensure there is not an excessive reflection of light from an external surface. It is noteworthy that the proposed outbuilding and granny flat will be clad in both weatherboard and Colorbond and will not cause unnecessary reflection.

The proposal complies with P4 (b) for this Standard.

E2 Airport Impact Management Code

E2.6.2 Protection of operational airspace

<p>A1</p> <p>Use or development must not:</p> <p>(a) penetrate the Obstacle Limitation Surface (OLS); or</p> <p>(b) interfere with operation of aviation facilities</p>	<p>P1</p> <p>The relevant airport operator or aviation agency must advise:</p> <p>(a) it is satisfied the use or development does not have adverse effect on efficient operation and safety of operational airspace or the function of an aviation facility; and</p> <p>(b) any condition or requirement for the location, design, and control of the use or development if it:</p> <p>(i) penetrates the Obstacle Limitation Surfaces (OLS); or</p> <p>(ii) is likely to interfere with operation of an aviation facility.</p>
<p>Planning Comments: Complies</p> <p>The subject site is located beneath the operational airspace overlay under the Planning Scheme and has a variable elevation of 40m – 60m. The OLS height in the area is 59.5m. Of the proposed secondary dwelling/shed and primary residence development, only the primary residence penetrates the OLS and requires assessment against P1 for this Clause.</p> <p>The application was formally referred to the Burnie Airport Corporation as the relevant airport operator who have advised that subject to conditions the development does not have any adverse effect on the efficient operation and safety of the operational airspace, or the function of the aviation facility. This advice forms part of the application and suitably addresses the performance criteria.</p> <p>The proposal complies with P1 for this Standard.</p>	

STATUTORY IMPLICATIONS

Land Use Planning and Approvals Act 1993

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

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

STRATEGIC IMPLICATIONS

There are no strategic implications as a result of this report

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

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

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

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

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

MOVED BY	CR DUNIAM
SECONDED BY	CR EDWARDS

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*, grant approval for the staged development of multiple dwellings (with outbuilding portion) at 300 Reservoir Drive, Wynyard subject to the following conditions: -

PART A CONDITIONS:

1. **The development is to be generally in accordance with the application as submitted and endorsed documents as listed:**
 - (a) **Proposal Plans with Project Number 21032 and Page Numbers 1-6, Rev. A as prepared by Abel Drafting Services Pty Ltd and dated 2 July 2021.**

-
2. All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.
 3. In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
 4. Loading and unloading of vehicles is to be confined to within the boundaries of the property.
 5. Stormwater from the development is to be fully contained within the boundaries of the property.
 6. Control measures are to be installed for the duration of the construction phase so as to limit the loss of soils and other debris from the site.
 7. The development is to be clad and roofed with materials with a light reflectance value of less than 40%.

PART B CONDITIONS:

1. The building must be erected on the property at the exact location shown in the application and must not exceed a maximum erected height (including any protrusions thereon (vents, aerials etc) of 5.0 metres, above ground level (AGL).
2. If any building, structure, tree or vegetation or any protrusions thereon exceeds 5m above ground level in the case of a building/structure, or 8.5m in the case of a tree/vegetation, at any time, they must be immediately removed.
3. Any lighting on the property must comply with Section 94 (Dangerous Lights) of the *Civil Aviation Regulations 1988*.
4. No activity should be undertaken that has a propensity to attract wildlife, particularly birds or bats. Should the use of the property or design of the building attract wildlife, the owner must mitigate this risk in consultation with the airport operator and a qualified bird and wildlife management expert.
5. Any plant/equipment including concrete pumps, cranes, and the like used in construction must comply with the same maximum height provisions. If this is not feasible, approval for their use will not be unreasonably withheld, but will require separate written application to the Burnie Airport Corporation (48 hours prior notice required).

Notes: -

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

- An “Activity in Road Reservation” permit must be obtained from Council for all activity within the Road Reservation.
- This project must be substantially commenced within two years of the issue of this permit.
- The applicant is advised to consult with a building surveyor to ensure the development is constructed in accordance with *Building Act 2016*.

-
- A full assessment of the proposed on-site wastewater disposal system will be undertaken at the plumbing application stage.
 - This permit is based on information and particulars set out in Development Application DA 106/2021. Any variation requires an application for further planning approval of Council.
 - Should the applicant also seek a connection to water reticulation, a separate request is to be made to TasWater prior to the plumbing application being lodged.
 - This development/use is not to result in the generation of environmental harm or nuisance as defined in the *Environmental Management and Pollution Control Act 1994*.
 - Attention is drawn to existing or proposed electricity infrastructure, please be sure to contact TasNetworks on 1300 137 008 to ensure these works do not impede on existing electricity easements and are at a safe distance from powerlines. Failure to do so could result in the relocation of electricity assets at your cost.
 - Please contact Australia Post for letterbox placement guidelines.
 - Under Section 61 (4) of the *Land Use Planning and Approvals Act 1993*, the applicant has the right to lodge an appeal against Council's decision. Notice of appeal should be lodged on the prescribed form together with the required fee within fourteen days after the date on which notice of the decision was served on that person, to the Resource Management and Planning Appeal Tribunal, G.P.O. Box 2036, Hobart, 7001. Updated Notices of Appeal are available on the Tribunal's website at www.rmpat.tas.gov.au.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

PLANNING AUTHORITY CLOSED AT 6:52PM

7.0 MATTERS RAISED BY COUNCILLORS**7.1 RESPONSE(S) TO COUNCILLOR QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING****7.1.1 CR COURTNEY – BASS HIGHWAY HEAVY VEHICLE TAX****QUESTION**

Cr Andrea Courtney queried how much heavy vehicle tax has the State Government collected for the use on the Bass Highway compared to the cost spent on upgrade of the road.

OFFICERS RESPONSE

The Director Infrastructure and Development Services advised that it is difficult to deduct this information from publicly available documents however the following can be found: -

From the 2021-22 State Government Budget papers the total Motor Tax (heavy and light vehicle tax) revenue estimate for 2021-22 is \$100.5 million up from \$93.7 million in 2020-21. <https://www.treasury.tas.gov.au/Documents/2021-22-Budget-Paper-No-1.pdf>

From the State Government Registration and Licencing Statistics information, at 31 August 2021 there are a total of 676,041 registered vehicles in Tasmania.

https://www.transport.tas.gov.au/licensing/general_information/statistics

The same website gives a total of 19,017 vehicle registrations for Waratah-Wynyard, but it doesn't offer a breakdown of the heavy vehicle proportion.

If some speculative interpolation is used to estimate the heavy vehicle tax proportion on the Bass highway based upon Waratah-Wynyard total vehicle registrations it gives a high end estimate of \$2.8 million per year however the actual figure could vary by more or less than half a million to be in the range of \$3.5-\$2.3 million per year.

Unfortunately, there are no publicly available documents that point to how the heavy vehicle tax is distributed across individual Highways making up the State road network.

7.1.2 CR COURTNEY – TASWATER DIVIDEND**QUESTION**

Cr Andrea Courtney queried the amount of dividends being held onto by TasWater and when Council could expect to receive the overdue funds. In light of the PESRAC Report she expressed concern that if boundary adjustments occurred prior to the payment of the outstanding dividends then the funds would benefit other local government areas.

OFFICERS RESPONSE

TasWater announced in its 2021/22 Annual Plan that it would pay Councils an extra 20% dividend for the next five years in recognition of the lower dividends received during 2019/20 and 2020/21 financial years. For Waratah-Wynyard Council, this is equivalent to \$112,400 per annum.

TasWater dividends are paid at the discretion of TasWater. Whilst TasWater has signalled its intention with dividend payments over the next five years, it is worth noting that the dividends are not guaranteed to Council until the Board resolve to make payment in any given year. This occurs on an annual basis.

There is currently insufficient information to know the nature, timing and subsequent impact of any proposed boundary adjustment on Council assets, liabilities and revenue streams. Council has been provided with assurance from state government ministers that the industry will be consulted on any proposed changes should they occur.

7.2 COUNCILLOR QUESTIONS RECEIVED IN WRITING

Nil received.

7.3 COUNCILLOR QUESTIONS WITHOUT NOTICE



Nil

8.0 NOTICE OF MOTION

Nil received.

9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 EAST WYNYARD FORESHORE MASTERPLAN FOR FINAL ADOPTION

To:	Council
Reporting Officer:	Project Manager
Responsible Manager:	Director Infrastructure and Development Services
Report Date:	8 September 2021
Enclosures:	1. East Wynyard Foreshore Masterplan 
	2. Original Feedback Submissions 
	3. Consultation Findings Discussion Paper 

PURPOSE

To seek Council approval for the adoption of the East Wynyard Foreshore Masterplan.

BACKGROUND

In Council's 2020/21 Annual Plan, the Council recognised the need to develop a Masterplan for the East Wynyard Foreshore Reserve. The plan provided an opportunity to review the existing concept plan (developed by GHD Woodhead in 2017) and to build on the recent investment at the Rotary Park Playground.

The existing 2017 concept plan had a major foreshore market focus with a contemporary style and predicted a total capital investment of \$3,159,412 to achieve the actions contained within the plan. Key activities that have been completed from this plan include the removal of the macrocarpa trees and swimming pool and the renewal and upgrade of the Rotary Park Playground.

As a first step in the development of the revised Masterplan, the community were invited to participate in a consultation process as a way to address the knowledge gap around community desires and expectations. The consultation period ran for a total of three weeks from mid-October 2020 and resulted in feedback from a total 98 respondents. The summary of this feedback was tabled at the February 2021 Council Meeting.

The Council adopted the draft Masterplan in April 2021 for the purposes of undertaking a public consultation period. A four-week consultation process commenced on the 3 May 2021 and was advertised through social media posts, Council's website, a letter-drop to nearby households and a poster displayed within the reserve. At the close of the feedback period, 56 comments were received from the community. These comments were considered prior to finalising the plan.

DETAILS

The East Wynyard Foreshore Masterplan will provide Council with a clear vision for the future beautification and management of the area. The Masterplan seeks to preserve the foreshore's character, embrace its natural coastal beauty and will be a safe place where people of all ages and abilities can come together to relax, socialise and be healthy.

The Masterplan sets out to address key issues in the reserve such as improving safe access to the reserve, improving car parking, adding more inclusive furniture, including more recreational activities and providing infrastructure that supports the use of the area for events.

In summary, the Masterplan proposes a total 28 actions to cover the nominated themes of Safe Access and Circulation; Events and Markets; Nature, Relaxation and Design; and Active Recreation. The actions within the plan address key community concerns around maintaining the “look and feel” of the reserve and attempts to address concerns raised regarding safe pedestrian use of the reserve and improved car parking. Additional plantings, murals and artworks are also proposed to beautify the area and provide shaded spaces as requested by the community during the initial consultation process.

Once the draft Masterplan was endorsed by Council, it was released to the community on the 3 May 2021 for a public feedback period. Upon the close of this period, 56 comments were received which are provided in full as an attachment to this report.

Feedback received on the plan was mixed. Some of the feedback was generally in favour of the plan with minor suggestions for improvement, such as the inclusion of more seating or the involvement of the community in selecting tree species. Other feedback was received from a collection of residents living near the reserve, who raised significant concerns regarding the intent of the plan and cited issues relating to the impact of the proposed actions to their lifestyles, safety, property values and views.

Common themes from the consultation is included below:

- There was a preference for the future car park design to be separated parking spaces whilst bringing forward to allow construction of a new pathway to the rear (so it is continuous and uninterrupted)
- Majority of online survey respondents preferring to restrict roadside parking (northern side of Old Bass Highway only) to improve sight lines, however, results for other options were also desirable
- There was a desire for vehicular access to properties to be retained, although there were other views that this should be restricted
- Requests for community involvement in tree species selection
- Some concerns were raised regarding the combination of all active recreation activities to the one area
- Some community members expressed fears for increased anti-social behaviour, reduced amenity and blocked views
- Requests for and against lighting provision
- Concerns were raised regarding the proposed market storage location, largely associated with ‘flow’ of the market and visual amenity

Amendments to the East Wynyard Foreshore Masterplan have been made through consideration of the feedback received from the community. A summary of the feedback themes and response to the issues raised are provided in the attached Consultation Findings Discussion Paper. While every effort has been made to incorporate all issues raised, this summary should be read in conjunction with the original feedback submissions also enclosed to this report.

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 3: Connected Communities
Desired Outcomes
3.3 Our natural and built environment aids the community with an active and healthy lifestyle.
Our Priorities
3.3.1 Provide high quality shared and multi-use community hubs that combine a range of recreational, sporting and educational uses.
GOAL 4: Community Recreation and Wellbeing
Desired Outcomes
4.4 Our community enjoys access to visually appealing safe spaces and facilities for recreation.
Our Priorities
4.4.2 Provide and maintain quality and safe places and spaces for physical, social and cultural activities, including shared and multi-use facilities where possible.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Access and infrastructure	Local, regional and global transport and infrastructure access – Safe and efficient access alternatives, growing freight capacity, renewable energy, water management and contemporary communications. Community infrastructure that supports economic development.
Natural resource management	Managing abundant, natural and productive resources – Natural resource management is valued and development is environmentally sustainable. The environment is clean and healthy with unspoilt beauty and biodiversity.
Health and Wellbeing	Maintaining good health and wellbeing – Healthy communities, people taking responsibility for their wellness, convenient access to medical services and facilities.
Place making and liveability	Liveable places for all ages – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.

POLICY IMPLICATIONS

The Asset Management policy is relevant, in this instance the life cycle cost implications of the proposed actions have been estimated to inform Council decision making.

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The Draft Masterplan proposes the delivery of 32 actions over six years, including the commencement of detailed designing and planning during 2021/22. The total estimated capital expenditure for the plan is \$1,918,660; the majority of which (70%) is contained within the Safe Access and Circulation theme. As a result of achieving these actions, an additional \$101,813 is anticipated in recurrent annual costs (depreciation and maintenance), factoring in the renewal component of the existing assets to estimate the net impact to depreciation this is then discounted to \$73,813 per annum.

The recurrent annual costs are equivalent to an 0.88% General Rate increase. In line with Council's Financial Management Strategy, operational improvements would need to be achieved to fund the additional cost. This could be achieved by way of decreasing expenditure or increasing revenue streams.

RISK IMPLICATIONS

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

CONSULTATION PROCESS

Various staff across the organisation and Councillors have been consulted in the process of producing the Masterplan.

An initial phase of engagement was also undertaken in October 2020 to address the knowledge gap regarding current community expectations. A second phase of community consultation occurred upon the release of the draft Masterplan. All feedback received during this process was considered prior to the final revision of the Masterplan. A third phase of community engagement was undertaken during August/September 2021 by way of letter-drop to adjoining properties to provide a summary of the key changes as a result of the community feedback received on the draft plan.

CONCLUSION

It is therefore recommended that the Council adopt the East Wynyard Foreshore Masterplan and endorse the action plan contained within.

MOVED BY	CR DUNIAM
SECONDED BY	CR EDWARDS

That Council adopt the East Wynyard Foreshore Masterplan and endorse the action plan contained within.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

9.2 CAM RIVER RESERVE MASTERPLAN - ANNUAL UPDATE

To: Council
Reporting Officer: Project Manager
Responsible Manager: Director Infrastructure and Development Services
Report Date: 8 September 2021
File Reference: Cam River Masterplan
Enclosures: 1. Cam River Masterplan - Actions Status Update 

PURPOSE

To provide Council with an annual update on the status of the actions contained within the Cam River Reserve Masterplan (CRiMP).

BACKGROUND

In Council's 2019/20 Annual Plan, Council recognised the need to develop a Masterplan for the Cam River Reserve. The plan provided an opportunity to review the currency of the previous Landscape Development Plan (adopted in 2012) and to address possible future changes that could impact on the reserve, such as the renewal of the vehicular bridge by the Department of State Growth. Following a three-week consultation process, 39 comments were received from the community and considered prior to the Masterplan being adopted by Council in July 2020.

The CRiMP provides Council with a clear vision for the future development and management of the area. The reserve is recognised as a significant parkland in Waratah-Wynyard and it will continue to be developed as a naturally beautiful riparian reserve for relaxation, leisurely activity and social interaction. The Masterplan sets out to address key objectives of managing safety and pedestrian circulation, enhancing and protecting the natural values of the reserve and creating a natural entrance to the eastern side of the municipality.

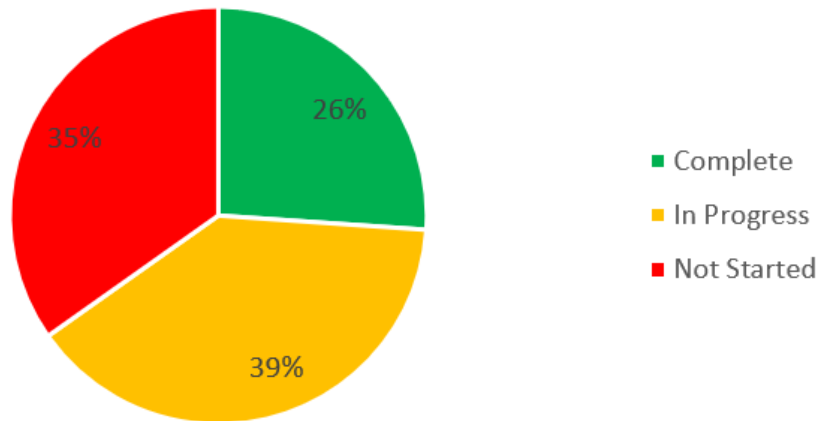
DETAILS

The CRiMP proposes a series of actions to cover the elected themes of safe access and circulation; relaxation and amenities; nature, art and design; and passive recreation.

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

Of the 23 actions, six have been completed and nine are in progress. The remaining eight actions have not started; however, three of these actions are planned to commence during the 2021/22 financial year. The remaining five 'not started' actions are not scheduled to commence until later in the five-year Masterplan.

Cam River Master Plan - Progress Update



The majority of the actions listed as “in progress” relate to the first year of the Masterplan and should have been completed during the 2020/21 financial year. Unfortunately, many of these actions could not commence until the landowner (Crown Land Services) provided their approval. The approval process absorbed over 65% of the delivery period (eight months of the financial year) with the landowner’s approval being granted on the 1 July 2021.

STATUTORY IMPLICATIONS

Statutory Requirements

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

Strategic Plan Reference

GOAL 3: Connected Communities
Desired Outcomes
3.3 Our natural and built environment aids the community with an active and healthy lifestyle.
Our Priorities
3.1.2 Promote and strengthen community safety to retain and attract families to live and recreate in Waratah-Wynyard.
GOAL 4: Community Recreation and Wellbeing
Desired Outcomes
4.3 We provide recreational opportunities to the community for all ages and abilities.
Our Priorities
4.3.1 Commit to ongoing recreation and open space planning to ensure evidence-based decisions are made about the role of Council and its partners in recreation.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Natural resource management	Managing abundant, natural and productive resources – Natural resource management is valued and development is environmentally sustainable. The environment is clean and healthy with unspoilt beauty and biodiversity.
Health and Wellbeing	Maintaining good health and wellbeing – Healthy communities, people taking responsibility for their wellness, convenient access to medical services and facilities.
Place making and liveability	Liveable places for all ages – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

An allocation of \$231,933 has been made in the Council's 2020/21 capital budget for the purposes of delivering the Year 1 actions as set out in the Masterplan and has been carried forward into the current financial year. A further allocation of \$7,820 has been committed in the Council's 2021/22 capital budget for the purposes of delivering the Year 2 actions.

At the time of writing this report, 24% of the total allocated budget for years 1 and 2 had been spent on the activities commenced to date.

Future activities contained within the Masterplan will be subject to approval through the standard annual planning and budgeting process.

RISK IMPLICATIONS

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

CONSULTATION PROCESS

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

CONCLUSION

It is therefore recommended that the Council note the annual status update on the progress of the Cam River Reserve Masterplan.

MOVED BY	CR DUNIAM
SECONDED BY	CR EDWARDS

That Council note the annual status update on the progress of the Cam River Reserve Masterplan.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

9.3 TRANSPORT INFRASTRUCTURE SERVICE LEVELS UPDATES

To: Council
Reporting Officer: Director Infrastructure and Development Services
Responsible Manager: General Manager
Report Date: 6 September 2021
File Reference: Roads
Enclosures: Nil

PURPOSE

To present to Council some recommended clarifications and updates for the Transport Infrastructure Service Levels.

BACKGROUND

In recent times some matters related to Transport Infrastructure Service levels have required clarification, which has occurred in workshop format with Councillors. This report intends to provide Councillors with a transparent opportunity to do so via publicly available service level and policy documents.

There are two specific matters that are sought to be clarified in the Service levels are: -

1. Maintenance of rural property driveways.
2. The height of the road corridor to be kept clear of tree limbs

DETAILS

1. Maintenance of rural property driveways

In regard to maintenance of rural property driveways between the road edge and the private property boundary, the *Local Government (Highways) Act 1982* (LGHA) gives Council head of power to require the property owner to undertake any required maintenance: -

Local Government (Highways) Act 1982

Version current from 2 October 2019 to date (accessed 10 September 2021 at 12:53)



35. Crossings over footpaths, table-drains, and gutters

(1) Where the corporation is of the opinion that works are necessary to be carried out in a highway under local management for the construction or repair of a vehicular crossing over a table-drain, gutter, or footpath at or opposite the entrance to land adjoining the highway, it may serve a written notice on the owner of the land requiring him to carry out those works within the time specified in the notice.

(2) If the owner of any land does not, within the time specified in a notice served on him under this section, carry out the works to which the notice relates, the corporation may itself carry out those works and recover the expenses reasonably incurred in so doing from the owner of the land.

The legislative clause above is written to allow for all roadside environments (urban & rural) given the reference to footpaths (typically urban), table-drains (typically rural) and gutters (typically urban).

Council has an existing policy that is relevant to this matter, that is TR.001 Vehicular Crossovers for individual residential property titles policy and a Service level being the Footpath Service level in policy TR.001 the objective is stated: -

- 2.1 The objective of the Policy is to provide direction and guidance to both Council staff and property owners in relation to the construction of new crossovers or alterations to existing crossovers for individual residential properties and to ensure that all applications to Council for new or altered crossovers are dealt with in a consistent, fair and transparent manner.

The policy also has a reference to the LGHA section 35: -

4.7 Repairs to vehicular crossovers

- 4.7.1 Under section 35 (1) of the *Local Government (Highways) Act 1982* Council may serve a written notice upon a landowner requiring repairs to be carried to a vehicular crossover within the time specified in the notice.
- 4.7.2 Where damage to the crossover has been caused by Council or a public authority reinstatement works may be carried out by Council, the public authority or an approved contractor under Council supervision.

The Footpath service level similarly references the LGHA section 35, albeit in the urban road environment context: -

6. MAINTENANCE RESPONSIBILITY

Pursuant to Section 35(1) of the *Local Government (Highways) Act 1982*, Council may serve a written notice upon a landowner requiring repairs to be carried to a vehicular crossover within the time specified in the notice.

It is the property owner's responsibility for all defects occurring within the section of the driveway between the property boundary and the roadway, including the footpath and crossover (kerb).

Council will only undertake repairs where:

- a) Damage to the crossover area has been caused by Council or a public authority, reinstatement works may be carried out by Council, the public authority or an approved contractor under Council supervision
- b) The Council has *recently* completed works that have affected the effectiveness of the vehicle crossover

These defects include gradient defects within the crossover (kerb) or roadway and any actionable defects as listed in in Section 8 of this document.

If Council is notified of a damaged driveway and deem it to be a hazard, then Council must serve a notice on the owner to carry out repairs within a specified timeframe.

See Figure 1 for a visual representation of maintenance responsibilities.



Figure 1



All existing policy and service level documents point to Council reliance upon section 35 of the LGHA which puts the responsibility for property driveway maintenance upon the property owner. While the existing policy and service level documents are clear and tangible as to how this applies in the urban road environment, they are less clear on the rural environment. It would seem that for equity the two documents should be made clearer to apply to the rural environment equally in order to improve transparency and provide guidance to Council staff and property owners as per the intent of policy TR.001.

In this regard, the same clause should apply that if Council or other authority causes damage then Council or the other authority should remedy the damage. By extension, if blockage of the culvert component of a rural driveway is causing an immediate safety concern to the public then immediate action by Council officers onsite should be able to be taken to mitigate the public risk rather than the issuing of a notice for maintenance where timing is critical (eg: water sheeting over a road due to driveway culvert blockage making the road unsafe to drive on).

2. The height of the road corridor to be kept clear of tree limbs

The height to which Council will clear overhanging vegetation on the road network is intended to allow heavy vehicles at maximum allowable vehicle height, to pass unimpeded. The stated clear height in the current Transport Infrastructure service level for this is 4.5m. Recently the National Heavy Vehicle Regulator increased the maximum allowable vehicle height from 4.3m to 4.6m. As such it is recommended to increase Council's service level to accommodate this; 5.5m is recommended as a buffered height to allow for regrowth and sag that can occur on tree limbs due to holding precipitation and/or movement during windy conditions.

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 1: Leadership and Governance
Desired Outcomes
1.2 We maintain and manage our assets sustainably.
Our Priorities
1.2.1 Review and adjust service levels to provide value for money.

Sustainable Murchison Community Plan 2040

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

POLICY IMPLICATIONS

The Asset management Policy is relevant, in this regard asset based services are provided on a sustainable and equitable basis.

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The recommended service level clarifications, as recommended have no material financial implications, although the tree trimming height increase from 4.3m to 5.5 m will create a greater forward works program this can be prioritised against road hierarchy level with existing budget allocations. If, however, alternatives such as increases services are desired there will be financial implications that would requiring further research and reporting.

RISK IMPLICATIONS

Removing ambiguity and clarifying Council's Transport Infrastructure Service Levels will improve transparency and assist Council staff in providing equitable and consistent services to the community.

CONSULTATION PROCESS

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

CONCLUSION

It is recommended that the three amendments as proposed are adopted.

MOVED BY	CR EDWARDS
SECONDED BY	CR DUNIAM

That Council authorise officers to update the Transport Infrastructure Service Level document to:


- 1. reflect that rural property owners are responsible for property driveway maintenance and repairs as is the case for urban property owners;**
- 2. increase the height of the road corridor to be kept clear of tree limbs from 4.5m to 5.5m; and**
- 3. Update policy TR.001 Vehicular Crossovers for Individual Residential property titles in line with the clarification provided.**

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

9.4 CRADLE COAST REGIONAL CAT MANAGEMENT STRATEGY

To: Council
Reporting Officer: Executive Officer
Responsible Manager: General Manager
Report Date: 27 August 2021
Enclosures: 1. Cradle Coast Regional Cat Management Strategy (2021-2026) 

PURPOSE

For Council to endorse the Cradle Coast Regional Cat Management Strategy (2021 – 2026).

BACKGROUND

In 2012, the State Government proclaimed the *Cat Management Act 2009* (the Act) which is the principal legislation for managing domestic and stray cats in Tasmania.

In 2017, DPIPW with the support of the Cat Management Reference Group, developed the Tasmanian Cat Management Plan 2017-2022, which outlines a comprehensive and collaborative statewide approach to managing cats.

In 2018, the Cradle Coast Cat Management Working Group was formed to identify shared cat management challenges, possible solutions and priorities across the region. The Working Group is made up of representatives of the nine regional councils, the Regional Cat Management Coordinator, RSPCA Tasmania, a regional vet clinic, Tasmania Parks and Wildlife Service and Biosecurity Tasmania.

The Working Group recognised that the cat management issues experienced in the region would benefit from a unified approach and proposed the development of a regional cat management strategy.

DETAILS

The strategy is intended as a guiding document and aims to provide clear direction and identify actions stakeholders could take to improve the welfare of domestic cats and reduce the impacts of domestic and stray cats in the Cradle Coast region. The Strategy also provides mechanisms to improve the knowledge on the number and impacts of domestic and stray cats to better inform cat management and create baseline data for future revisions of the Strategy.

The Strategy identifies eight areas of focus for cat management across the Cradle Coast region, and notes actions relevant to each area. The below table shows the eight areas of focus and the desired outcomes as reflected in the Strategy.

	Areas of focus	Desired outcomes
1	Education and awareness of responsible cat ownership.	For all cat owners to understand and practice responsible cat ownership.
2	Data collection.	To have cat management in the region guided by best available science and regionally relevant data to support evidence-based decision making.
3	Improving access to cat management facilities.	To increase access to cat management services across the region, thereby reducing the number of abandoned cats.
4	De-sexing and microchipping	To reduce the overpopulation of owned and stray cats and reduce the number of cats that have to be rehomed by cat management facilities.
5	Nuisance and stray cats	To reduce the stray cat population and reduce the incidences of nuisance reported by the community.
6	Protecting significant conservation, agricultural and community assets	To have significant conservation, agricultural and community assets identified with appropriate strategies developed to mitigate cat related impacts at priority sites.
7	Uncontrolled cat breeding and welfare concerns	For all cat breeding in the region to be only undertaken by registered or permitted breeders and animal welfare standards maintained, including by addressing cat hoarding cases with a coordinated response.
8	Governance, resourcing and legislation	For the Cradle Coast Regional Cat Management Strategy to be successfully delivered across the region by Strategy participants.

The strategy adopts an opt-in approach which will allow every stakeholder to participate in cat management actions to the extent that they require and are able to resource, while keeping them aligned with the actions of the other partner organisations in the region.

STATUTORY IMPLICATIONS

Statutory Requirements

The actions in the Strategy are developed to align with the requirements of the *Cat Management Act 2009*. Recent changes to the *Cat Management Act 2009* have brought more opportunities and expectations for cat management into the community. Having a strategy for the management of cats in the Cradle Coast region helps all the stakeholders to focus on a common vision and identify the activities that contribute to achieving that vision.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 1: Leadership and Governance
Desired Outcomes
1.5 We highly value the use of an evidence-based approach to the development and implementation of strategies and policies that support and strengthen our decision making.
Our Priorities
2.2.2 Review and update systems and processes to ensure best practice and customer-centric outcomes.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Natural resource management	Managing abundant, natural and productive resources – Natural resource management is valued and development is environmentally sustainable. The environment is clean and healthy with unspoilt beauty and biodiversity.
Education	Lifelong learning and education – Education and lifelong learning is valued and there is access to vocational training and tertiary education. Education retention rates have increased.
Place making and liveability	Liveable places for all ages – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.
Governance and working together	Working together for Murchison – Everyone plays a part in achieving the objectives of the Sustainable Murchison Community Plan. There is cooperation, resource sharing and less duplication between Councils. Leadership is provided across all community sectors.

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

If cats are not managed responsibly their welfare will suffer and they can have significant adverse effects on the community, wildlife and agriculture

FINANCIAL IMPLICATIONS

The adoption of this Strategy does not require specific financial commitments from Council. The Strategy recognises that the Councils and other key stakeholders in the Cradle Coast region have different priorities, capabilities and resources for cat management and that implementation roles need to be voluntary and flexible at the local level.

The Strategy adopts an opt-in approach which will allow every stakeholder to participate in cat management actions to the extent that they require and are able to resource, while keeping them aligned with the actions of the other partner organisations in the region.

If Council at any time chooses to undertake certain actions based upon the Strategy, those actions would need to be costed and budgeted at that time.

The Strategy does include a cost break down on what the likely costs of taking on cat management would be. This information is provided in the tables below.

Total expenses of cat management	
Average number of days cats require boarding until adoption	19.15 days
Shelter costs/cat/day	\$31.29
Shelter costs/cat	\$599.29
Vet costs per cat	\$88.80
Total cost/cat	\$688.09
Costs of single procedures	
Desexing male cat	\$33.36
Desexing female cat	\$72.96
Microchipping	\$17.45
Vaccinations	\$18.85
Euthanasia	\$75.00
Income per cat	
Surrender fee domestic cat	\$75.00
Surrender fee stray cat	Donation
Adoption fee adult cat	\$250
Adoption fee kitten	\$300

Table 1. Cat management costs – care of animals

Minimum expenses for cat management	
Personnel costs	
Wages and on-costs of a cat compliance officer	\$100,000 annually
Wages administration staff	\$15,000 annually
Out of hours call out – minimal fee	\$332
Training	\$400
Equipment	
Vehicle – purchase	\$40,000
4 x Traps	\$640
4 x Cat carriers	\$648
2 x Nets	\$480
3 x Gloves	\$585
Travel	
Motor vehicle expenses - ATO rates	72 cents/km
Kilometres round trip Circular Head Council office – RSPCA Spreyton	280 km
Travel costs/trip	\$200

Table 2. Cat management costs - resources

RISK IMPLICATIONS

Recent changes to the *Cat Management Act 2009* have brought more expectations for cat management into the community. Having a strategy for the management of cats in the Cradle Coast region helps all the stakeholders to focus on a common vision and identify the activities that contribute to achieving that vision.

The Strategy may raise community expectations for Council to act on cat matters, and this will need to be managed with appropriate messaging regarding Council's roles and responsibilities under the Act and Strategy are limited to education, promotion and advocacy.

CONSULTATION PROCESS

The Strategy has been developed through a comprehensive consultation process with key cat management stakeholders in the region including Burnie City Council, Central Coast Council, Circular Head Council, Devonport City Council, Kentish Council, King Island Council, Latrobe Council, Waratah-Wynyard Council, West Coast Council, Cradle Coast Authority (CCA), RSPCA Tasmania, Australian Veterinary Association and the Tasmanian Government (Biosecurity Tasmania and Tasmania Parks and Wildlife Service).

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

CONCLUSION

A regional approach will allow for the sharing of resources and expertise and will prevent duplication of services, improve efficiency and will reduce costs. The opt-in approach of the Strategy allows stakeholders to participate according to individual capacity and priorities.

Member Councils endorsed the Strategy at the Cradle Coast Authority Representatives meeting held on Tuesday 7 September 2021.

MOVED BY	CR DUNIAM
SECONDED BY	CR HYLAND

That Council:

- 1. Adopt the Cradle Coast Regional Cat Management Strategy (2021 – 2026); and**
- 2. Agree that Council's involvement under the Cradle Coast Regional Cat Management Strategy (2021 – 2026) will be limited to education, promotion and advocacy at this time.**

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

9.5 REQUEST FOR DESIGNATED PARKING - WYNYARD SENIOR CITIZENS CLUB

To:	Council
Reporting Officer:	General Manager
Responsible Manager:	General Manager
Report Date:	13 August 2021
Enclosures:	Nil

PURPOSE

To respond to ongoing requests by the Wynyard Senior Citizens Club to re-designate public car parking spaces to private car parking spaces for use by club.

BACKGROUND

The Wynyard Senior Citizens Club have been raising this issue since 2014 and Council previously considered this matter in September 2016. At the time, it was determined to deny the request for the re-designation of public car parking spaces for the sole use by the Wynyard Senior Citizens Club, as there is potential for the privatisation to exacerbate the current parking shortage within the CBD and could set a precedent for other bodies to seek similar.

Work on defining a disability parking bay in the area has been undertaken in previous years.

DETAILS

The Wynyard Senior Citizens Club has requested the re-designation of six parking spaces to the rear of the Wynyard Senior Citizens Club building for specific use by the club's members.

The Wynyard Senior Citizens Club wishes to designate parking spaces to the rear of the building in which they currently occupy due to the mobility issues faced by some of their members. The car parking spaces that they wish to privatise for Club use only is a component of the car park adhered to the Wonders of Wynyard building.

There are currently no designated parking bays for this purpose in the area. The car park is classed as public and is used by a variety of individuals visiting the Wonders of Wynyard, local businesses and the general shopping precinct.

Since the initial Council decision of 2016, a new car park has been constructed in the CBD of approximately 100 spaces.

Currently, Club members utilise the current parking facilities (including disabled parking) at the Wonders of Wynyard site and surrounding on-street parking, which is in reasonable proximity to the Wynyard Senior Citizens Club building.

In their most recent request, the club state:

“Parking in this area has been an issue for many years. The land adjacent to the Wynyard Senior Citizens Club was purchased as parking for the club's members in 1999; however, despite this, the Council have rejected to allow sole use of the car parking spaces for the club.

Members of the public use these parking spaces for Woolworths, Saunders Street Clinic, Wonders of Wynyard and other places in the area. There have also been issues with individuals parking in the SCC car park long term during the day, every day, while they catch the bus to Burnie for employment.

For many senior members mobility is an issue, with several handicapped members including those using wheelchairs, walkers and other mobility aids, and they need to park close to facilities for their safety. Unfortunately, the long bay car parks located next to Wonders of Wynyard are often the only available nearby parking spaces for these members, which isn't ideal and has caused complaints from other residents wishing to park there. There is also only one disabled parking space in this area which is deemed insufficient based on the demographic of the area and the users of the facilities.

Unfortunately, Council have continually rejected requests for the SCC to designate their own car parking spaces to their members, leaving them no choice but to park elsewhere in the area including the long bay parking spaces. We would like to approach Council again to reopen this discussion to hopefully resolve this issue to benefit everyone."

Subsequent to the initial request above, the club have provided further information seeking one additional disability bay in the area. They state that parking for members will be by first arrival in parking bay area's available however their management will ensure the elderly who can only walk short distance receive preference for the designated parking spaces.

Typical usage of the Senior Citizens Club is as follows:

Day	User	Typical Numbers
Monday	Men's Probus - 10am -12 noon (2 nd Monday each month)	50
	Tai Chi – 6.30pm – 8pm	20
	Writers Group - 10am – 12 noon fortnightly	
Tuesday	Wynyard Art – 9am – 12 noon	20
	Tai Chi - 11am – 3pm	20
	Tai Chi – 12 noon – 7.30pm	20
	Wynyard Chorale – 7.30pm – 9.30pm	60
Wednesday	Bingo 1.30pm – 2.30pm	
	Diabetes – 10am – 12noon (every 2 nd month)	15
Thursday	Tai Chi - 12 noon – 1.30pm	20
	Scrabble – 1pm – 4pm	
	Committee Meeting 1.45pm – 3pm (3 rd Thursday each month)	10
	Belly Dancing – 7pm – 9pm	
	Pennant Bowls – 7pm – 10pm	20
Friday	Crib – 1pm – 4pm	20
	Bowls – 1pm – 4pm	20
Saturday	Occasional Social Use	
Sunday	Pleasant Sunday Afternoon 1.30pm – 4pm	60

There is one existing disability bay in the area and the addition of another will reduce standard bays available. This is a decision the club should have further discussions and form a consensus within their management committee.

The designation of specific parking spaces for the Club may serve as a precedent for other bodies/facilities to seek the re-designation of public car parking spaces to private car parking spaces. In this case, there is a clear need given the demographic of the Club clientele.

Signage for designation of parking spaces would be relatively straight forward and the existing wheel stops could be used, in addition to the rear wall of the Senior Citizens Club. Given they are the instigator of the request, and will gain benefit from exclusive use, should the request be granted, it is suggested all costs for signage be covered by the club.

STATUTORY IMPLICATIONS

Statutory Requirements

1. LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015 - REG 18

Motion to overturn decision

- (1) For the purposes of this regulation, a decision may be overturned, wholly or partly, by –
 - (a) a motion directly rescinding or otherwise overturning the decision or part of the decision; or
 - (b) a motion that conflicts with, or is contrary to, the decision or part of the decision.
- (2) A council or council committee may only overturn a decision passed at a previous meeting held since the last ordinary election –
 - (a) by an absolute majority, in the case of a council; or
 - (b) by a simple majority, in the case of a council committee.
- (3) Any report given by the general manager to a council in respect of a proposed motion to overturn a decision of the council, or that will result in the overturning of a decision of the council, wholly or partly, is to include –
 - (a) a statement that the proposed motion, if resolved in the affirmative, would overturn that previous decision or part of that previous decision; and
 - (b) the details of that previous decision, or the part of that previous decision, that would be overturned; and
 - (c) advice as to whether or not that previous decision, or that part of that previous decision, directed that certain action be taken; and
 - (d) if that previous decision, or that part of that previous decision, directed that certain action be taken, advice as to whether or not that action has been wholly or substantially carried out.

2. WARATAH-WYNYARD COUNCIL BY-LAW 1 OF 2016- PART 4 PARKING AREAS

Reserved spaces - 40

- (1) The General Manager may create reserved parking areas and spaces on land owned by or under the control of Council.
- (2) A person must not park or leave a vehicle in a parking space or parking area which is designated "Reserved" unless authorised to do so. Penalty: Fine not exceeding 3 penalty units

Use of parking area for other purposes - 47

The council may grant a permit for a parking area to be used for any purpose.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

Friday

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

Sustainable Murchison Community Plan 2040

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

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

If the re-designation of parking spaces was approved, the club will be asked to fund and install the reserved parking signs. Council would not require any capital or operational funding to support this aspect of the request, nor will it provide any compliance or enforcement of the parking. Creation of an additional disability bay will incur line marking and design costs should it occur.

RISK IMPLICATIONS

The designation of specific parking spaces for the Club may serve as a precedent for other bodies/facilities to seek the re-designation of public car parking spaces to private car parking spaces.

CONSULTATION PROCESS

The only discussion in relation to this matter has been between the Wynyard Senior Citizens Club and Council. The Wonders of Wynyard were consulted regarding any implications to their operations as a result of the change and do not foresee any immediate issues.

CONCLUSION

The request from the Wynyard Senior Citizens Club to re-designate public car parking spaces to private car parking spaces for use by club appears to be reasonable and with good intent. The designation of these spaces will have little to no detriment on parking for the community yet will satisfy the club and provide benefit to a small number of members.

MOVED BY	CR EDWARDS
SECONDED BY	CR HYLAND

That Council:

1. Move to rescind the resolution made by Council on 17 October 2016:

“Note that the Council determine to refuse the request for the re-designation of public car parking spaces for the sole use by the Wynyard Senior Citizens Club, as the privatisation of these parks would exacerbate the current parking shortage within the Wynyard CBD and would establish a precedent for other bodies to seek similar redesignation of public car parking spaces”; and

2. Note the request of the Senior Citizens Club and designate the equivalent area of six public car spaces located at the rear of the Wynyard Senior Citizens Club building for specific use by the club’s members.

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH		CR BRAMICH	
CR DUNIAM	CR EDWARDS		CR HYLAND

AGAINST

	CR BRADLEY		CR COURTNEY
		CR FAIRBROTHER	

9.6 DELEGATIONS - RIGHT TO INFORMATION ACT 2009

To:	Council
Reporting Officer:	Executive Officer - Governance and Performance
Responsible Manager:	Director Organisational Performance
Report Date:	10 September 2021
File Reference:	009.04
Enclosures:	Nil

PURPOSE

The purpose of this report is for the Council to issue appropriate delegation of its powers as a 'Public Authority' under the *Right to Information Act 2009* to enable officers to undertake the day to day conduct of the Council's business.

BACKGROUND

Council maintains a register of the delegations it has approved in relation to the exercise of its legislative powers and functions by Council officers.

Delegations under the *Right to Information Act 2009* were last issued on the 15 October 2018. All delegations under this Act expire every three years.

DETAILS

The primary provisions for delegation of powers and functions are conferred by section 22 of the *Local Government Act 1993*, in the case of a Council.

Basically, section 22 provides for a Council to delegate its powers and functions under any Act to the General Manager, apart from some express exceptions that are outlined in the section, and it also provides that the Council may authorise the General Manager to further delegate those powers and functions to other officers as necessary.

Section 24 of the *Right to Information Act 2009* contains provisions relating to delegation, therefore the general power contained in the *Local Government Act 1993* applies.

This report addresses powers and functions that the Council may delegate directly to the General Manager and also the matter of the Council granting authorisation for the General Manager to further delegate those powers and functions.

Council officers have produced an instrument in relation to the proposed delegation, which will be maintained in a register that is accessible to all staff.

The determination can only be approved by Council resolution for which authorisation is sought for the Council's common seal to be affixed to the relevant instruments.

STATUTORY IMPLICATIONS

Relevant statutes

The following Acts and regulations include relevant powers and functions that apply to right to information and which may be delegated to Council officers:

- *Local Government Act 1993*
- *Right to Information Act 2009*

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 1: Leadership and Governance
Desired Outcomes
1.6 We are recognised for proactive and engaged leadership.
Our Priorities
1.5.2 Maintain accountability by ensuring council decisions are evidence based and meet all legislative obligations.

Sustainable Murchison Community Plan 2040

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

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

- Legislative compliance

There are no significant risk implications associated with this delegation. Risk of adverse action does exist where the exercise of Council's legislative powers and functions occurs without proper authorisation or delegation and the purpose of this report is to recommend action that minimises exposure to such risk.

CONSULTATION PROCESS

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

CONCLUSION

The regular review of Council's Delegations Register is essential to ensuring that delegated functions and powers remain current and appropriate.

Adoption of the recommendation in this report will give effect to change that ensures Council has appropriate delegations in place in relation to Right to Information requests.

MOVED BY	CR DUNIAM
SECONDED BY	CR HYLAND

That Council approve delegation to the General Manager all functions and powers of Council as a public authority under the Right to Information Act 2009 and grant authorisation to further delegate the powers and functions to other Council officers.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

9.7 BRAND AND SIGNAGE POLICY AND ASSOCIATED GUIDELINES

To: Council
Reporting Officer: Economic Development Officer
Responsible Manager: Director Organisational Performance
Report Date: 7 September 2021
File Reference: Governance-Council Policies
Enclosures:

1. Brand and Signage Policy 
2. Waratah Wynyard Signage Strategy and Design Guide 
3. Signage Process Flowchart 
4. Signage Design Guide 

PURPOSE

This report has been prepared for Council to consider and adopt the Brand and Signage Policy (the Policy) and the Waratah-Wynyard Signage Strategy and Design Guide 2021 (the Strategy).

BACKGROUND

Council undertook a rebranding program in 2017. Through extensive community consultation, Brand Guidelines were developed with a new palette of colours and branding designs that visually represent the abundance of diversity in the region.

Following on from this project, it was recognised that Council's signage assets needed to be consistent with the new branding and the Signage Strategy and Design Guide 2021 has been created in response to that need.

DETAILS

The Policy, Strategy and associated documents have been developed in response to Council's commitment to a consistent and strategic approach to signage and developing a strong brand identity for the municipal area.

The aim of the Policy is to:

- ensure the consistent use of the Council brand and logo;
- ensure consistency, cost-effectiveness, and efficiency in the design and construction of all Council owned and/or managed signage; and
- ensure that signage complements the character and visual amenity of the area as well as facilitating a visual information need.

Waratah-Wynyard Signage Strategy and Design Guide 2021

The Signage Strategy and Design Guide 2021 has been developed in consultation with Council staff and Councillors to guide Council on the planning, design, installation, maintenance and removal of all Council owned and/or managed signs.

The design guide contains templates for gateway entrance, facility (free standing and building), interpretative, paths and trails, town information, and compliance signage to ensure consistency across the municipal area. The templates have been designed to be cost-effective, aesthetically pleasing and easy to install and maintain.

The design guide is not intended to be a definitive collection, as it is recognised in some instances, signage design may need to be varied to fit with location and existing supports.

Internal procedures are included in the suite of documents developed for installing and approving new signage and capturing information about Council signage assets to inform future replacement programs.

The Policy, Strategy and supporting items will:

- ensure the consistent use of the Council brand and logo by ensuring all new signage complies with the Brand Guidelines;
- ensure all future signage is implemented with appropriate design consideration;
- create a positive first impression for visitors by providing important information about the area, aiding navigation and creating effective wayfinding;
- ensure the correct sign type for the location/facility;
- improve the consistency, readability, placement, accessibility and connectivity of Council owned and/or managed signage;
- increase and improve walking/cycling connectivity;
- promote Council owned or supported local attractions and facilities;
- improve Council efficiencies by clarifying and streamlining signage processes and procedures;
- provide straightforward guidance to Council staff when developing, replacing and installing signage;
- allow the prioritisation of signage projects and improve the accuracy of cost estimations for future Council budgets;
- ensure that ongoing maintenance is considered when installing signage;
- meet the aspirations of the local community.

Signage Upgrade Program

The development of the Strategy included an assessment of signage throughout the municipal area. The inspection found that much of Councils current signage is:

- inconsistent in design, theme, material and placement
- inadequate for effectively guiding visitors around the municipal area
- outdated with incorrect information or contains obsolete branding
- structurally in poor and old condition

The assessment also found that some of Councils owned and/or managed facilities have no Council signage at all. This may mean that ratepayers and users of those facilities may be unaware that Council supports the provision of these assets to the community.

Council has commenced its signage upgrade program and so far has designed and installed new gateway signage at town and municipality entrances (2019 – 2021), some new street signs, and new signage at the Council office building in Wynyard.

Further signage upgrades have been identified and will occur throughout the year. The Strategy, Policy and associated guiding documents will inform the upgrade program to ensure that the investment in replacement and new signage is well-considered and planned to provide value for money.

STATUTORY IMPLICATIONS

Statutory Requirements

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

Council is responsible for the installation and maintenance of signage on road reserves and other local government lands within the Council area.

Design and installation of outdoor road signage is to be in accordance with relevant Australian Standards, including:

- AS1743 – 2001 Road Signs – Specifications
- Manual of uniform traffic control devices. AS1742.5 Street Name and Community Facility Name Signs
- Waratah-Wynyard Planning Scheme
- IPWEA/LGAT Tasmanian standard drawings
- Tasmanian Roadside Signs Manual 2015

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL
Desired Outcomes
1.2 We maintain and manage our assets sustainably.
Our Priorities
1.5.1 Build our knowledge base to apply in decision-making processes.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Business & Industry	Specialised diversity of the economy – Value adding, diversification, innovation and employment. A resilient economy with global brand recognition and growing exports.
Tourism	Memorable visitor experiences all year round – The must see destination, quality product, easy access, popular events and festivals with coordinated marketing. A longer season with increasing yields.
Strong communities and social capital	Enduring community capital – Growing, proud, self-reliant communities that are inclusive and engaged with volunteers and shared facilities.
Access and infrastructure	Local, regional and global transport and infrastructure access – Safe and efficient access alternatives, growing freight capacity, renewable energy, water management and contemporary communications. Community infrastructure that supports economic development.
Governance and working together	Working together for Murchison – Everyone plays a part in achieving the objectives of the Sustainable Murchison Community Plan. There is cooperation, resource sharing and less duplication between Councils. Leadership is provided across all community sectors.

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

Council has a budget allocation of \$104,543 to upgrade signage throughout the municipal area. The Strategy, Policy and associated guiding documents will inform the upgrade program to ensure that the investment in replacement and new signage is well-considered and planned to provide value for money.

RISK IMPLICATIONS

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

CONSULTATION PROCESS

Consultation has been undertaken with Councillors and Council staff in developing the Policy and Strategy.

Extensive community consultation was undertaken when developing the Wynyard Brand Guidelines in 2017. For that reason, there has been no additional consultation with the community in the development of these documents.

As Council upgrades its signs throughout the year, each facility's relevant user groups and stakeholders will be consulted.

CONCLUSION

It is recommended that Council adopt the documentation as presented.

MOVED BY	CR DUNIAM
SECONDED BY	CR HYLAND

That Council:

- 1. Adopt the Brand and Signage Policy as presented with immediate effect; and**
- 2. Adopt the Waratah-Wynyard Signage Strategy and Design Guide 2021.**

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

9.8 POLICY REVIEW - AUSTRALIA DAY AWARDS POLICY GUIDELINES

To: Council
Reporting Officer: Executive Officer
Responsible Manager: General Manager
Report Date: 10 September 2021
Enclosures: 1. Australia Day Awards Policy Guidelines 
2. Australia Day Awards Policy 

PURPOSE

The purpose of these guidelines is to provide a framework for the eligibility and awarding of the Waratah-Wynyard Council Australia Day Awards.

BACKGROUND

A review of the existing guidelines has been conducted to bring Council's policy in line with the Australia Day Council's recommendations and to ensure there is a clear policy and guidelines to be observed in relation to determining the awarding of the Council's Australia Day Award(s).

The Guidelines have been reviewed to better reflect current requirements for the selection of recipients of Council's Australia Day Awards.

DETAILS

Council accepts nominations from the community for council's Australia Day Awards each year with awards presented for:

- Citizen of the Year
- Young Citizen of the Year
- Community Event of the Year

Following last year's award nomination process the Australia Day Awards Committee determined that a review of the eligibility criteria was required, in particular to explore changing the requirements for Community Event of the Year to allow for events / people to be re-nominated after a set period rather than being excluded permanently.

In addition, the guidelines have been updated to ensure the criteria for selecting award winners are clear and reflective of the Australia Day Council's recommendations and community requirements.

Key changes that have been made are:

- An updated clause which states "Previous recipients of Community Event of the Year award will not eligible to receive the same award again for at least five (5) years after the date awarded (e.g. award received 2021 – eligible again in 2027)".

- Clarification that “Nominations made by members of the Selection Panel will not be considered by the Selection Panel”.
- Clarification that “The nomination of currently serving Council members or staff will not be considered by the selection panel”.

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 1: Leadership and Governance
Desired Outcomes
1.4 We cherish fairness, trust and honesty in our conduct and dealings with all.
Our Priorities
1.5.2 Maintain accountability by ensuring council decisions are evidence based and meet all legislative obligations.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Strong communities and social capital	Enduring community capital – Growing, proud, self-reliant communities that are inclusive and engaged with volunteers and shared facilities.

POLICY IMPLICATIONS

This policy is to be reviewed every two years.

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

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

CONSULTATION PROCESS

The Guidelines have been reviewed by Council’s Australia Day Awards Committee and the Mayor in line with recommendations following last year’s Award selection process.

CONCLUSION

It is recommended that updates to the Australia Day Awards Policy Guidelines be accepted.

MOVED BY	CR DUNIAM
SECONDED BY	CR HYLAND

That Council adopt the revised Australia Day Awards Policy Guidelines with immediate effect.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

9.9 BUDGET AMENDMENT - CARDIGAN STREET RECREATION GROUND SUBSURFACE DRAINAGE

To: Council
Reporting Officer: Project Manager
Responsible Manager: Director Infrastructure and Development Services
Report Date: 8 September 2021
File Reference: Cardigan Street Recreation Ground
Enclosures: Nil

PURPOSE

To seek Council approval to bring forward subsurface drainage improvements at the Cardigan Street Recreation Ground, Somerset. This will allow accelerated construction works to occur during the 2021/22 off-season to minimise disruption to users and improve safety and usability prior to the 2022 soccer season.

BACKGROUND

The Open Space, Sport and Recreation Plan (OSSR), endorsed in 2017, provides key recommendations for the management of open space, sport and recreation in the municipal area. The Somerset Recreation Precinct was highlighted as one of the three key areas that support recreation activities and suggested consolidating sporting venues within the area to co-locate on one or two sites.

Council has endeavoured to pursue this vision but has not been able to due to a substantial increase in residential growth and a subsequent reduction in available land. To progress any further development in the area, the revision of the Somerset Sporting Precinct has been included in the 2020/21 Annual Plan and Budget.

The more immediate need then became the Cardigan Street Recreation Ground, which does not currently meet the standards specified by the Football Tasmania and, at times, has poor drainage which creates issues with maintenance and use of the ground. At its June 2020 ordinary meeting, the Council endorsed the Masterplan prepared by Sugden & Gee Pty Ltd which aims to address the issues associated with the site.

The works proposed by this Masterplan suggests a staged approach to delivery. The progress of the Masterplan to date is as follows:

Completed	<ul style="list-style-type: none">• Temporary lighting replacement to LED lights• Extension and realignment of pitches• Irrigation and fencing extensions
Scheduled completion 2021/22	<ul style="list-style-type: none">• Installation of roadside boundary fence• Installation of new sports light towers• Car park extension
Future works (unscheduled)	<ul style="list-style-type: none">• Drainage improvements (subsurface drains)• Ball catching fences

DETAILS

One element of the Cardigan Street Recreation Ground Masterplan seeks to improve drainage at the site. Historically, drainage at the recreation ground has always been poor; meaning the ground holds water after large rainfall events. The key use of the ground, soccer, is played as a winter sport and whilst wet weather is expected, playing on a ground with poor recovery becomes problematic and unsafe.

Anecdotal reports indicate that part of the existing playing surface is built over an old car parking area and there exists a hardpan of compacted gravel which forms a barrier for sub-surface drainage. This is believed to contribute to the deterioration of the pitch condition during persistent wet weather. To alleviate this issue, a combination of lateral drains and sand bands would be recommended to allow the ground to recover more quickly following rain events.

The Somerset Soccer Club have been actively working with Council to minimise use on the ground, particularly during wetter months. The club advocates for the annual roster to be 'front loaded' as much as possible, so there are fewer home games towards the end of the season when higher levels of rainfall are anticipated. Training is generally undertaken on areas away from the main playing surfaces to minimise damage.

Whilst the drainage issues are not new, other similar facilities within the State have now been upgraded to the minimum standard for the sport, leaving Cardigan Street Recreation Ground below the expectations of users and the peak sporting body. As such, there have been indications from referees that in the future they will not hesitate to cancel games if the grounds do not meet a reasonable condition. Additionally, sub-standard playing surfaces may require the Somerset Soccer Club to forfeit matches, potentially resulting in a fine to the club. These issues could result in the club no longer being able to participate within the Northern Championship competition, of which they were mens premiers in the 2021 season.

The soccer club have expressed their gratitude to Council for the support and continued efforts to achieve the items specified in the Masterplan. The club has also thanked Council publicly for the ongoing support through social media and a mayor's message.

If subsurface drainage works were to proceed, the work would need to be conducted urgently for a completion prior to 25 December 2021. In doing so, the grass should have adequate time to recover prior to the soccer season commencing in March 2022. If works cannot proceed within this timeframe, it is unlikely the improvements can be made to the ground without significant impact and consequence for the club.

Whilst this project was not originally included within the 2021/22 capital budget, there is a growing need to improve the drainage of the facility as soon as possible.

STATUTORY IMPLICATIONS

Statutory Requirements

The *Local Government Act 1993* outlines the responsibility of Council in relation to the amendments to Budget Estimates as follows:

Estimates

82.(4) A council may alter by absolute majority any estimate referred to in subsection (2) during the financial year.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 4: Community Recreation and Wellbeing
Desired Outcomes
4.3 We provide recreational opportunities to the community for all ages and abilities.
Our Priorities
4.1.1 Collaborate with community organisations that provide recreation opportunities to our community.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Health and Wellbeing	Maintaining good health and wellbeing – Healthy communities, people taking responsibility for their wellness, convenient access to medical services and facilities.
Place making and liveability	Liveable places for all ages – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The installation of subsurface drains on both playing surfaces at the Cardigan Street Recreation Ground is anticipated to cost \$380,562 including internal allocations, plus a contingency allowance of \$52,831 for a potential maximum of \$433,394.

In terms of operational costs, different maintenance activities would be required for the annual turf renovation of the ground once subsurface drains are installed. Whilst it will require the use of specialist equipment, the current budget allocation for existing turf maintenance activities could be used to offset the cost of specialist renovations. The drainage infrastructure is anticipated to have a functional life of approximately 30 years, creating an additional annual depreciation amount of \$14,446. This budgetary impact is equivalent to 0.17% General Rate increase. In line with Council's Financial Management Strategy, operational improvements would need to be achieved to fund the additional cost. This could be achieved by way of decreasing expenditure or increasing revenue streams.

Broadly speaking, the Cardigan Street Recreation Ground Masterplan proposed a number of actions to be delivered across four stages, with a total funding requirement of approximately \$1,359,913.

Currently, a total \$234,234 has been spent on the Masterplan actions to date and approximately 57% (\$134,714) was funded directly through Council's own source funds. The remaining expenditure (\$99,520) was funded through the Improving the Playing Fields state government grants program.

A further \$544,138 has been committed for activities scheduled this financial year. It is anticipated that approximately 20% (\$107,186) will be funded through Council, with the remaining funding sourced from the Local Roads and Community Infrastructure grant program (\$426,952) and Football Tasmania (\$10,000). The impact of this resolution is to bring forward the unscheduled capital expenditure for drainage improvements to 2021/22, which will increase the capital expenditure in the current financial year by up to \$433,394.

The final action within the Masterplan, ball catching fences, is expected to cost \$93,000 taking into consideration inflation, price increases due to COVID-19, overheads and contingencies. It is recommended this last component is funded through sources other than Council.

Based on the actual expenditure and funding source assumptions discussed above, the funding situation at the completion of the Masterplan is anticipated to be as follows:

FUNDING SOURCE	CAPITAL COST	CONTRIBUTION PERCENTAGE OF TOTAL MASTERPLAN
Council	\$675,294	52%
External (grant / sporting body)	\$629,472	48%
	\$1,304,766	

RISK IMPLICATIONS

If drainage improvements are not undertaken prior to the commencement of the next soccer season, there is a risk that the Somerset Soccer Club will not be able to play the full season at the ground given it does not meet the minimum safety standards required by the sporting body. In doing so, the club will likely suffer a financial loss and could potentially lose membership with players opting to join teams in nearby communities. By bringing forward these works, the reputational risk and risk of lowered community health and wellbeing opportunities will be mitigated.

CONSULTATION PROCESS

The Somerset Soccer Club and the Football Federation of Tasmania have been engaged throughout the development of this project, including in the creation of the Masterplan, and will continue to be consulted during the works.

CONCLUSION

It is therefore recommended that Council by an absolute majority amend the 2021/22 Annual Plan and Budget Estimates by \$433,394 to include the installation of subsurface drains at the Cardigan Street Recreation Ground as per the site's Masterplan.

MOVED BY	CR DUNIAM
SECONDED BY	CR EDWARDS

That Council amend the 2021/22 Annual Plan and Budget Estimates by \$433,394 to include the installation of subsurface drains at the Cardigan Street Recreation Ground as per the site's Masterplan.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

9.10 AWARD OF CONTRACT 756 - ANZAC PARK ALL ABILITIES PLAYGROUND

To: Council
Reporting Officer: Manager Engineering Services
Responsible Manager: Director Infrastructure and Development Services
Report Date: 6 September 2021
Enclosures: 1. Revised tender scope - Hardings Hotmix - ANZAC Park All Abilities Playground - Confidential

PURPOSE

To determine Council's position in relation to tender submissions received for the construction of the All Abilities Playground at ANZAC Park, Somerset.

BACKGROUND

The construction of an All Abilities Playground at ANZAC Park, Somerset has been adopted in the 2021/22 Annual Plan & Budget of Council.

Provision of these works are to be undertaken by an external contract provider, owing to the nature of specialist equipment and skills required to undertake the scope of works.

A call for tenders for the provision of these works was published in the Advocate Newspaper and released on the Tenderlink website on Saturday 12 June 2021.

DETAILS

The contract operates as a Schedule of Rate (SoR) contract, based upon the estimated quantities to deliver the scope of the project.

At the close of tenders on 23 July 2021, twenty-eight (28) contractors had accessed the tender documents via Tenderlink and one (1) contractor submitted a tender for the works.

The tender received for this project was submitted by Hardings Hotmix and was deemed to be a conforming tender.

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 4: Community Recreation and Wellbeing
Desired Outcomes
4.3 We provide recreational opportunities to the community for all ages and abilities.
Our Priorities
3.3.2 Facilitate activities and events that promote inclusion, health, safety and a sense of place.

Sustainable Murchison Community Plan 2040

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

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Council has a total adopted budget for these works of \$2,584,428 funded via the following sources: -

- Council – \$719,428
- Federal Government Grant to Council - \$1,365,000
- State Government Grant to the Fairy God Mothers - \$500,000

Costs to date include playground design, tender document preparation, overheads and other preliminaries of \$139,039, leaving a total surplus funding of \$2,445,389.

The original tender submitted by Hardings Hotmix was well above Council budget allocation (\$3,740,736.26). In order to facilitate delivery of this project, scope negotiation has been undertaken with Hardings Hotmix to remove some of the playground elements and modify construction methodologies for other elements.

A full break down of the scope reduction is provided as an attachment to this report, but in essence the scope reduction was based on the removal of sculptural and architectural elements and retaining functional playground equipment items. Should there be a desire to expand upon the playground to include these elements into the future, the design has accounted for future expansion.

The following provides a breakdown of the remaining expenses to complete the project if the revised tender amount is accepted by Council: -

Council budget allocation remaining - \$2,445,389

Tendered project value - \$2,382,335.88

Remaining Overhead allocation - \$65,404

Anticipated total remaining project delivery cost - \$2,447,799.88

Net variance to budget allocation -\$2,351.88

*Note: allocation of project contingency has not been assigned to this variance in budget allocation.

RISK IMPLICATIONS

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

CONSULTATION PROCESS

Extensive community consultation and key stakeholder consultation has been undertaken prior to releasing the tender for this project. Before construction commences on site further community notification will occur to advise the public of the pending works and potential disturbance.

CONCLUSION

The tender submitted by Hardings Hotmix along with the revised schedule for the construction of the ANZAC Park All Abilities Playground is considered the best option available to Council, in taking into consideration all aspects of the tenders submitted. It is recommended that contract #756 be awarded accordingly.

RECOMMENDATION

That Council award Contract #756 – ANZAC Park All Abilities Playground to Hardings Hotmix.

PROCEDURAL MOTION

MOVED BY	CR COURTNEY
SECONDED BY	CR EDWARDS

That the MATTER BE DEFERRED

The PROCEDURAL MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
	CR EDWARDS		

AGAINST

CR DUNIAM		CR FAIRBROTHER	CR HYLAND

9.11 AWARD OF CONTRACT 759 - TAKONE RD (INGLIS RIVER) BRIDGE REPLACEMENT

To: Council
Reporting Officer: Manager Engineering Services
Responsible Manager: Director Infrastructure and Development Services
Report Date: 3 September 2021
Enclosures: 1. Summary Cover Page - Contract #759 - Confidential

PURPOSE

To determine Council's position in relation to tender submissions received for the replacement of a bridge crossing the Inglis River on Takone Road, Takone.

BACKGROUND

The provision of replacing the bridge crossing the Inglis River on Takone Road has been adopted in the 2021/22 budget for an estimated \$640,247. The existing bridge sub-structure and super-structure has been recommended for replacement as part of Council's biannual bridge inventory inspection and analysis, which have determined that each of these elements have reached the end of their useful lives.

Provision of these works are to be undertaken by an external contract provider, owing to the nature of specialist equipment and skills required to undertake the scope of works.

A call for tenders for the provision of these works was published in the Advocate Newspaper and released on the Tenderlink website on Saturday 7 August 2021.

DETAILS

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

At the close of tenders on 27 August 2021, ten (10) contractors had accessed the tender documents via Tenderlink and three (3) contractors submitted tenders for the works.

Tender submissions were received from;

- TasSpan Civil Contracting
- BridgePro Engineering
- VEC Civil Engineering

All tenderers have demonstrated experience within the industry, have established safety and management systems in place and have been assessed as competent and capable in the performance of the works for which they have tendered. All tenderers have and continue to provide the services associated with this contract to other Councils within Tasmania.

Each tender received has been assessed against a range of weighted criteria itemised below:

Criteria A – The tendered total amount and the expected whole of life costs –
Weighting 55%

Criteria B – The tenderers ability to complete works of the quality specified within the contract and within the specified time – Weighting 15%

Criteria C – The tenderer’s OH&S, environmental, industrial relations and performance records – Weighting 15%

Criteria D – The tenderer’s Quality System as well as experience and performance – Weighting 15%

Generally, the past services provided to the Local Government sector by each of these companies have been considered satisfactory, and they have a clear understanding of the established industry requirements associated with the performance of the works under the contract. Each tenderer has provided sufficient evidence to demonstrate their competence and capability to perform the works within the timeframes and to the quality required. Accordingly, there is no significant alteration to the selection of preferred tenderer based upon these considerations and the selection of the preferred tenderer is considered primarily to be a matter of price in this instance.

TasSpan Civil Contracting have submitted the lowest price tender option with a calculated overall price of \$401,690.91 for a dual lane bridge structure. Whilst noting that this total price is an estimate based upon identified areas, the relativity of pricing is not anticipated to vary to any degree of significance should the final area be marginally different.

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

GOAL 6: Transport and Access
Desired Outcomes
6.2 Our transport and access network is sustainable, affordable and fit for purpose.
Our Priorities
6.2.2 Plan for all movements and modes of transport with a fit-for-purpose network.

Sustainable Murchison Community Plan 2040

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

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Council has adopted a budget of \$640,247 which includes an overhead component of \$41,885 to deliver this project during the 2021-22 financial year. The tendered price submitted by TasSpan (\$401,690.91) along with overhead provides a budget surplus of \$196,671.09. This surplus allows a 10% contingency of \$40,169 for potential contractual variations during the works and a budget saving to Council of up to \$196,671.09 if no contingency is required.

RISK IMPLICATIONS

In the conduct of any contract there are risks to Council, including time delays and poor quality of work. The use of experienced contractors coupled with contract documents will minimise potential risks to Council.

The broader tender assessment, beyond just price, is intended to mitigate risk.

CONSULTATION PROCESS

Affected property owners and business operators will be directly notified of the works prior to commencement. The greater public will be notified via Council's media outlets. No road closures are proposed or permitted to undertake the scope of these works.

CONCLUSION

The tender submitted by TasSpan Civil Contracting for the replacement of the Takone Road (Inglis River) bridge is considered the best option available to Council, in taking into consideration all aspects of the tenders submitted. It is recommended that contract #759 be awarded accordingly.

MOVED BY	CR DUNIAM
SECONDED BY	CR BRAMICH


That Council award Contract #759 – Takone Road (Inglis River) Bridge Replacement to TasSpan Civil Contracting.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

9.12 FINANCIAL REPORT FOR THE PERIOD ENDED 31 AUGUST 2021

To: Council
Reporting Officer: Corporate Accountant
Responsible Manager: Director Organisational Performance
Report Date: 7 September 2021
Enclosures: 1. Monthly Capital Report 

PURPOSE

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

BACKGROUND

The financial reports presented incorporate:

- Income Statement
- Balance Sheet
- Cashflow Statement
- Cash Position
- Rate Summary
- Tenders and Contracts
- Capital Works Report (attached)

DETAILS

There are currently no known significant variances to forecast as of 31 August. Managers will complete their first forecast review during September and an updated forecast position will be presented at Council's October meeting.

STATUTORY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

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

Council Strategy or Plan Reference

Council Strategy or Plan	Date Adopted:
Financial Management Strategy 2021-2031	Adopted March 2021

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

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

CONSULTATION PROCESS

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

CONCLUSION

All details are included in the attached reports.

MOVED BY	CR COURTNEY
SECONDED BY	CR DUNIAM

That Council note the Financial Reports for the period ended 31 August 2021.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

9.13 SENIOR MANAGEMENT REPORT

To:	Council
Reporting Officer:	Executive Officer
Responsible Manager:	General Manager
Report Date:	13 August 2021
Enclosures:	Nil

SUMMARY/PURPOSE

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

GENERAL MANAGERS OFFICE

ACTIVITIES SINCE LAST COUNCIL MEETING

Listed below is a summary of activities undertaken by the General Manager during the period 7 August to 10 September 2021.

Corporate

- Preparation and discussion regarding enterprise bargaining for Council's new Enterprise Agreement continued. Bargaining representatives have lodged a log of claims and negotiation is underway.
- Participated in a joint executive team meeting with Circular Head Council
- With Councillors, undertook a business visit of the Flowerdale Flower farm
- Undertook and prepared staff appraisals in line with Council processes. It is expected all staff will have received their appraisals for 2021 by the end of September
- Had initial meeting regarding General Manager performance review process

Community

- Met with Dixon's Pharmacy concerning the establishment of their COVID immunisation processes
- Attended Marist Regional College to assist the Department of State Growth to deliver a unit to grade 8 students on how voters make decisions
- Met with a developer to assist with planning questions and queries
- Met with the developers of the Table Cape Resort for a status update

Industry

- Was selected and participated in a Performance and Improvement interview regarding the Local Government Association of Tasmania
- Met with DPIPWE representatives regarding the approval process for fish farms

- Attended a meeting of the Cradle Coast General Managers, incorporating the Cradle Coast Waste Management Group meeting
- Attended the Cradle Coast Authority Representatives Meeting
- Attended the Business North West breakfast meeting to hear the plans for Business North West for the coming year

Other

- Met with Liberal Minister Roger Jaensch and provided an update on Council project's and activities
- Attended a Cradle Coast Authority Board meeting
- Attended two Cradle Coast Authority Board workshops and a separate meeting regarding the development of the financial management strategy
- Attended the LG Professionals Cradle Coast Branch Networking event held at the Waratah-Wynyard Council chambers

ADMINISTRATION – USE OF CORPORATE SEAL

11/8/21	Final Plan & Schedule of Easements	SD2070 14 Frenchs Road Somerset (1 into 2 lots)
13/8/21	Request to amend Sealed Plan and Part V Agreement	2872427 - 3 Serrata Crescent Sisters Beach
13/8/21	Strata Plan	SD73/2019 – 19 Simpson Street Somerset (1 lot into 2)
25/8/21	Final Plan & Schedule of Easements	SD2109 – 11 Quiggin Street Waratah (consolidate 5 titles into 1)
26/8/21	Grant Deed of Variation	Variation to Safer Rural Roads Grant Deed for Preolenna Road, increase \$15k now \$17.066k.
31/8/21	Final Plan & Schedule of Easements	SD2111 2138556/2138564 10 Timothy Drive Wynyard (12 lots & Outbuilding)
8/9/21	Final Plan & Schedule of Easements	SD2097 – 43 Saunders Street Wynyard (1 into 2 lots)

MOVED BY	CR COURTNEY
SECONDED BY	CR EDWARDS

That Council note the monthly Senior Management Report.


The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

9.14 MINUTES OF OTHER BODIES/COMMITTEES

9.14.1 MINUTES OF OTHER BODIES/COMMITTEES - AUDIT PANEL COMMITTEE HELD 24 AUGUST 2021

To:	Council
Reporting Officer:	Executive Officer - Governance and Performance
Responsible Manager:	Director Organisational Performance
Report Date:	31 August 2021
File Reference:	007.17
Enclosures:	1. Correspondence Audit Panel Chair to Council 

PURPOSE

The Audit Panel met on the 24 August 2021 and the Unconfirmed Minutes were released by the Chair on the 31 August 2021 and are presented to Council for noting.

BACKGROUND

In February 2014, the Tasmanian State Government passed legislation that requires all Tasmanian Councils to establish an Audit Panel.

Along with the King Island and Circular Head Councils, Council appointed a shared Audit Panel on 3 August 2015.

The current members of the Shared Panel are:

- Mr John Howard – Audit Panel Chair (Asset Management expertise)
- Mrs Lisa Dixon – Audit Panel member (Financial expertise)
- Mr Stephen Allen – Audit Panel member (Financial expertise)

The Audit Panel must hold at least four meetings per year, with a majority of members constituting a quorum.

DETAILS

The Audit Panel met on 24 August 2021 via Teams.

The meeting reviewed the following standard agenda items:

- Business arising from previous meetings – noting advice that the operational costs for Council's funding priority list has been included in the updated financial management strategy
- General Manager Risk and Assurance Certificate. The Panel noted the finding of Council's full compliance with the Local Government Division's audit of gifts and benefits disclosure requirements and actions planned to improve overhead recovery outcomes
- Communications from Council
- Financial Management reports presented to Council
- General Manager's Reports provided to Council

- Minutes of Safety (OSHWELL) Committee
- Internal audit reports – noting progress to date – Panel supported Council’s plan to review service levels for roads and the waste transfer station
- Tasmanian Audit Office Memorandum of Findings, noting that all of the eleven findings from the 2019-20 Audit had been addressed
- Major initiatives – reviewed progress on corporate system updates for online timesheets, customer request system and GIS user access upgrades

The major work plan for the meeting covered the Annual Financial Statements with the Panel resolving to note that the Financial Statements reflect the state of affairs of the Council based on the information provided.

There were no formal recommendations made to Council from issues arising at the meeting.

The Panel’s next meeting is scheduled to be held on 9 November 2021 at the Circular Head Council Offices.

STATUTORY IMPLICATIONS

Statutory Requirements

An Audit Panel is a mandatory requirement under sections 85 of the *Local Government Act 1993*.

Section 85A of the Act details the Audit Panels' functions to include review Council’s performance concerning financial systems, financial management, governance arrangements, policies, systems and controls, and all plans required under Part 7 of the Act. Section 85B of the Act provides for Ministerial Orders to specify Audit Panels' requirements beyond those required under Section 85A.

The *Local Government (Audit Panels) Amendment Order 2015* was issued on 1 January 2016.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 1: Leadership and Governance	
Desired Outcomes	
We maintain and manage our assets sustainably.	
We cherish fairness, trust and honesty in our conduct and dealings with all.	
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.	
We are recognised for proactive and engaged leadership.	
Our Priorities	
1.5	Build our knowledge base to apply in decision-making processes.
1.6	Maintain accountability by ensuring council decisions are evidence based and meet all legislative obligations.
1.7	Develop leadership that inspires and motivates, and which maintains a strong community and workplace culture.
1.8	Review and adjust service levels to provide value for money.

Sustainable Murchison Community Plan 2040

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

POLICY IMPLICATIONS

The establishment of an Audit Panel provides an independent review mechanism for Council's policies and procedures.

FINANCIAL IMPLICATIONS

There are no financial implications in this recommendation.

RISK IMPLICATIONS

The establishment of an independent Audit Panel provides another layer of risk mitigation by providing independent oversight over Council's risk management framework and policy and procedural compliance.

CONSULTATION PROCESS

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

COMMENT

It is recommended that Council note the Unconfirmed Minutes of the Audit Panel Committee held on 24 August 2021.

MOVED BY	CR HYLAND
SECONDED BY	CR DUNIAM

That Council note the Unconfirmed Minutes of the Audit Panel Committee meeting held on 24 August 2021.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

10.0 MATTERS PROPOSED FOR CONSIDERATION IN CLOSED MEETING

MOVED BY	CR DUNIAM
SECONDED BY	CR BRAMICH

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

Matter	Local Government (Meeting Procedures) Regulations 2015 Reference
<i>Confidential Report R15 (2) - Confirmation Of Closed Minutes Of Previous Meeting</i>	15 (2)
<i>Confidential Report R15 (2) – Notices Of Motion</i>	15(2)
<i>Confidential Report R15 (2) (c (iii)) commercial information of a confidential nature, that if disclosed, is likely to-reveal a trade secret – Matters raised by Councillors</i>	15 (2) (c (iii))
<i>Confidential Report R15 (2) (h) - Leave of Absence Request - Councillors</i>	15(2)(h)
<i>Confidential Report R15 (2) - Closed Senior Management Report</i>	15(2)

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

11.0 CLOSURE OF MEETING TO THE PUBLIC

MOVED BY	CR DUNIAM
SECONDED BY	CR BRAMICH

That the Council RESOLVES BY AN ABSOLUTE MAJORITY to go into Closed Meeting to consider the following matters, the time being 7:42PM

Matter	Local Government (Meeting Procedures) Rules 2015 Reference
<i>Confidential Report R15 (2) - Confirmation Of Closed Minutes Of Previous Meeting</i>	15 (2)
<i>Confidential Report R15 (2) – Notices Of Motion</i>	15(2)
<i>Confidential Report R15 (2) (c (iii)) commercial information of a confidential nature, that if disclosed, is likely to-reveal a trade secret – Matters raised by Councillors</i>	15 (2) (c (iii))
<i>Confidential Report R15 (2) (h) - Leave of Absence Request - Councillors</i>	15(2)(h)
<i>Confidential Report R15 (2) - Closed Senior Management Report</i>	15(2)

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

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

12.0 RESUMPTION OF OPEN MEETING

At 7:47pm the Open Meeting was resumed.

13.0 PUBLIC RELEASE ANNOUNCEMENT**RECOMMENDATION**

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

Min. No.	Subject	Decisions/Documents
	Nil	

THERE BEING NO FURTHER BUSINESS THE CHAIRPERSON DECLARED THE MEETING CLOSED AT 7:47pm.

Confirmed

MAYOR
18 October 2021